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ABSTRACT

These hearings are with the broadcasting industry on television advertising of food to children. The committee had heard testimony previously from nutritionists, dentists and consumers that there is incessant advertising of sugared and snack foods on television to children, which adversely affects their dental and physical health. The Code Authority of the National Association of Broadcasters commissioned a study by Dr. Charles Winick, City College of the City of New Yrok, of the actual content of television aimed at children. The hearings explored the implications of the Winick Study and the Code Authority's new statement of principles. The witnesses were: Stockton Helffrich, director, National Association of Broadcasters, and vice presidents responsible for program standards with the three major networks: Herminio Traviesas, National Broadcasting Company; Alfred Schneider, American Broadcasting Company; and Thomas Swafford, Columbia Broadcasting Company. (Author/JM)

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NUTRITION EDUCATION—1973

HEARINGS

BEFORE THE

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

PART 8—BROADCAST INDUSTRY'S RESPONSE TO TV ADS

WASHINGTON, D.C., JUNE 11, 1973

Series 73/NE8

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Part 1 and 1A—Overview—Consultants' Recommendations, December 5, 1972; with Appendix.
Part 2 and 2A—Overview—The Federal Programs, December 6, 1972; with Appendix.
Part 3—TV Advertising of Food to Children, March 5, 1973.
Part 4—TV Advertising of Food to Children, March 6, 1973.
Part 5—TV Advertising of Food to Children, March 12, 1973.
Part 6—Phosphate Research and Dental Decay, April 16, 1973.
Part 7—School Nutrition Education Programs, May 25, 1973.
Part 8—Broadcast Industry's Response to TV Ads, June 11, 1973.

CONTENTS

NUTRITION EDUCATION
Broadcast Industry's Response to TV Ads

MONDAY, JUNE 11, 1973

	Page
Announcement of hearing	iv
Opening statement of Senator McGovern, chairman	663

WITNESSES IN CHRONOLOGICAL ORDER

Helffrich, Mr. Stockton, director, The National Association of Broadcasters	665
Schneider, Mr. Alfred R., vice president, American Broadcasting Companies, Inc	670
Swafford, Mr. Thomas J., vice president, Program Practices, CBS Television Network	672
Traviesas, Mr. Herminio, vice president, Broadcast Standards, National Broadcasting Company, Inc	673

APPENDIX

Item 1—Submitted by witnesses:	
From Stockton Helffrich:	
Attachment A—Television Code Standards	693
Attachment B—Non-Prescription Medications	694
Attachment C—Advertising to Children	696
Attachment D—Children's Premiums/Offers	697
Attachment E—Praeger Publishers News Release, June 4, 1973: Pioneer Study of Television Advertising Directed to Children Shows Some Criticisms Justified, Many Not Supported by Fact	698
Attachment F—NAB Code Authority: Children's Television Advertising Statement of Principles	700
Letter of June 28, 1973	702
Letter of July 6, 1973	704
From Thomas J. Swafford:	
Letter of June 22, 1973	706
From Herminio Traviesas:	
Sample of NBC Television Network Nutrition Programing for Mothers in 1973	707
Item 2—Pertinent to the hearing:	
From Charles Winick:	
Statement on behalf of the authors of "Children's Television Commercials: A Content Analysis"	709
From John B. Benton, Senior Counsel, NBC:	
Letter of June 18, 1973	710
From the Washington Post, June 19, 1973:	
NAB on Ads, by Hollie I. West	711
From the National Association of Broadcasters:	
Letter of October 11, 1972 to Chairman Dean Burch, FCC	712

SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS
May 25, 1973.

HEARING WITH BROADCASTING INDUSTRY ON TV ADVERTISING

Senator George McGovern (D-S. Dak.), chairman of the Select Committee on Nutrition and Human Needs, today announced a hearing with the broadcasting industry on television advertising of food to children.

The hearing is scheduled for Monday, June 11, to begin at 10 a.m., in room 1318 of the Dirksen Office Building.

The witnesses will be: Stockton Helffrich, director, National Association of Broadcasters, and the vice presidents responsible for program standards with the three major networks: Herminio Traviesas, NBC; Alfred Schneider, ABC; and Thomas Swafford, CBS.

The hearing continues the Select Committee's inquiry into the issue of food advertising, especially the advertising of sugared and snack foods to children on a heavy basis.

The committee has heard testimony previously from nutritionists, dentists and consumers that there is incessant advertising of sugared and snack foods on television to children, which adversely affects their dental and physical health.

The Code Authority of the National Association of Broadcasters commissioned a study by Dr. Charles Winick, City College of the City University, New York, of the actual content of television advertising aimed at children. The study—"Children's Television Commercials: A Content Analysis"—was published this week by Praeger Publishers.

The Code Authority, meeting in Washington this week, issued a set of principles which may potentially result in significant changes in the way foods are advertised to children.

The hearing will explore the implications of the Winick Study and the Code Authority's new statement of principles.

NUTRITION EDUCATION
Broadcast Industry's Response to TV Ads

MONDAY, JUNE 11, 1973

U.S. SENATE
SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS
Washington, D.C.

The Select Committee met at 10 a.m., pursuant to call, in room 1318 of the Dirksen Office Building; the Honorable George McGovern, chairman of the committee, presiding.

Present: Senator McGovern.

Staff Members: Kenneth Schlossberg, staff director; Alan J. Stone, counsel; Marshall L. Matz, assistant counsel; and Vernon M. Goetcheus, chief, minority staff; Elizabeth P. Hottell, professional staff.

Senator MCGOVERN. Before we present our distinguished panel this morning, I have a brief opening statement that I would like to make to explain the purpose of today's hearing. Also, to try to provide some perspective, both to our witnesses and others following these hearings, as to the committee's purpose in scheduling this session and others that may relate to it.

OPENING STATEMENT OF SENATOR McGOVERN, CHAIRMAN

Senator MCGOVERN. Over the past several years, there has been a continuing debate over the influence of television advertising on the nutritional habits and health of the Nation's children.

Some critics have charged that the enormously effective medium of television has been misused to teach a generation of American children that good food has to be fun food, and fun food has to be sweet.

The critics have also charged that the end result of this lesson is a poorer state of nutritional health, dental and physical, among American children than should be the case in a nation as economically and educationally advanced as ours.

The case for the critics was probably put in its most succinct form earlier this year before this very same committee by the former White House Nutrition Adviser, Dr. Jean Mayer.

Speaking of the television advertising of food to children, Dr. Mayer said:[1]

> Now, it is fairly obvious to any even casual television viewer that national advertising expenditures are in reverse order to the usefulness of the foods. Group one, the fruits and vegetables and such things as fish, eggs, and meat, receive very little advertising. Advertising for potatoes, macaroni and so on is also very limited.

[1] *See* hearings of the Select Committee on Nutrition and Human Needs, March 5, 1973, Series 73/NE3, Part 3—TV Advertising of Food to Children, p. 258.

By contrast if you go to soft drinks, alcoholic beverages and so on, advertising is an extraordinarily large item. Now I do not subscribe to a "devil theory" of advertising. I could not think that the advertising profession is made up of people who have set out to deliberately pervert the food habits of the American population; but the effect, in many cases, is just the same. I think the reason for this is fairly plain. The foods in group one—the foods produced by farmers, basically, and which are consumed almost directly by the population—are not branded. They are produced by a very large number of farmers who don't have any advertising resources at their disposal.

By contrast, foods in group three and group four are produced by a very small number of manufacturers who have very well established brands of snack foods, candy and soft drinks, and who have enormous resources available for advertising. So that we end up with the fact that the structure of our food industry—in spite of the undeniable good will and excellent intentions of many of its leaders; which you remember, Mr. Chairman, resulted in a very strong endorsement by leaders of the food industry of the concept of nutritional education at the White House Conference. In spite of all this, the structure of the industry and advertising industry end up with the whole weight of enormous resources of advertising going far toward the destruction of our food habits.

Now that is a strong statement. "Destruction of our food habits", and along with them, the foundation of good health.

The question facing us today, leaders in the legislative branch of government and in the broadcast industry, is what kind and how strong an action is required to correct this situation.

I know this for a fact this problem is a matter of concern to the broadcast industry. The presence of our four witnesses today, the head of the industry's Code Authority and the vice presidents of the three networks responsible for program standards, is evidence of the industry's good faith.

Beyond that, the publication last week of the so-called "Winick Report" analyzing the content of children's advertising, sponsored by the industry is a sign that good faith is on its way to being translated into action.

Many people will have differing opinions regarding the finding of the Winick Report. After reviewing it, I have my own.

Briefly put, I believe the report goes a long way toward supporting the concerns of the critics—the nutritionists, the dentists, the housewives—of the kind of food advertising being beamed at our children.

First, the report supports the contention that food advertising per se is being beamed at children in a massive way and as Dr. Mayer said, the least useful foods lead the list: The sweet foods, the snack foods, the sugared cereals, the soft drinks, the candies, cookies and the cakes account for 70 percent of all the advertising being directed at our children.

The good foods, milk, meat, vegetables, and fruits, seem not to exist at all in the land of children's television advertising.

Second, a child learning his nutrition lessons from television advertising would never know the meaning of sitting down to the table for a good, old fashioned balanced meal with the family.

According to the Winick study, about 90 percent of children's TV commercials never show a balanced meal, and 95 percent of the commercials never mention a balanced meal.

Is it any wonder that the snack on the move is becoming the meal of the day in America?

Third, and perhaps most startling of all is the finding of the study:

> Overall, 85.2 percent of the commercials make no tie-in of good eating habits with health.

Let me repeat that:

> Overall, 85.2 percent of the commercials make no tie-in of good eating habits with health.

I find that to be simply a devastating statement. Here we have the world's most powerful tool of communication and persuasion, capable of molding the habits for a lifetime of Americans.

Yet at the same time that medium is subjecting the minds of our children to hundreds of hours of nutrition miseducation, it is doing virtually nothing to provide them with the fundamentals of good nutrition and good health.

This is nothing less than a tragic waste of both television's great potential to teach and of children's potential to learn. As the ladies from the Action for Childrens Television told the committee earlier this year:

> A medium which could be a powerful educational tool to inform the American public of good health and nutrition is instead a vehicle for misleading persuasion.

I commend the broadcasting industry for facing up to its critics and for commissioning this important study.

Now I think the Congress and the public want to know what action the industry is going to take to respond in a positive and meaningful way to its findings. I know that you gentlemen have been meeting on this very subject, and I would be most pleased to accept your testimony at this time.

We have with us today Mr. Stockton Helffrich, director of the National Association of Broadcasters, Mr. Herminio Traviesas, vice president, NBC; Mr. Alfred Schneider, vice president, ABC; and Mr. Thomas Swafford, vice president, CBS. I think we will let you gentlemen proceed as you wish, and then we will go to the questions.

Thank you very much.

STATEMENT OF STOCKTON HELFFRICH, DIRECTOR, THE NATIONAL ASSOCIATION OF BROADCASTERS

Mr. HELFFRICH. Thank you, Senator McGovern. I believe I have been selected to start this. My name is Stockton Helffrich, and I am director of the Code Authority of the National Association of Broadcasters.

The Code Authority is part of the broadcast industry's self-regulatory apparatus with responsibilities for the interpretation, implementation and enforcement of the program and [illegible] standards contained in the Radio and Television Codes.

As they relate to the purposes of the U.S. Senate Select Committee on Nutrition and Human Needs, the professional standards of the Television Code of the National Association of Broadcasters, similar to the standards of the Radio Code, state in effect that false, misleading or deceptive advertising is unacceptable and that neither copy nor demonstration may involve a material deception as to the characteristics, performance or appearance of the product.[1]

In addition, the Television Code in respect to children calls for special consideration both as to the content and placement of television

[1] See Appendix, Attachment A, Standard X–2, p. 693.

commercials in or near programs designed for children and as to exploitation of that audience of children. The standard includes a restriction to the effect that appeals involving matters of health which should be determined by physicians not be directed primarily to children.[1]

Further, children's program hosts or primary cartoon characters are proscribed from delivering commercials within or next to programs in which they are featured. The standard also is applied even to lead-ins to commercials if the lead-ins contain sell-copy or imply endorsement of the product by program host or primary cartoon character.[2]

This particular standard has resulted in the filing of a suit against the Code Authority by the American Federation of Television and Radio Artists.

Finally, the Television Code's Time Standards for Nonprogram Material include not only a limit of 12 minutes of nonprogram material in any 60 minute period of programing designed primarily for children in the contiguous period of time between 7 a.m. and 2 p.m. on Saturday and Sunday,[3] but also a requirement that the number of program interruptions shall not exceed two within any 30-minute program or four within any 60-minute program.[4]

The Television Code is subscribed to and implemented initially by the three television networks and some 60 percent of the country's commercial broadcasters. The Radio Code is subscribed to by all four radio networks and a share of the country's commercial radio broadcasters which fluctuates around, and presently is just under 40 percent.

Setting aside numerical/quantitative considerations it is reasonable to contend that the reach of the Codes as to their influence on broadcast commercial practices extends considerably beyond the roster of members whose financial support of the Code Authority apparatus totals over three-quarters of a million dollars yearly from both radio and television code subscribers.

The language of the Codes referenced above indicates an intent on the part of broadcasters. Implementation of that intent has grown appreciably in the past decade. In the last 4 years alone, with credit for this development both to conscientious broadcasters themselves and to their critics in and out of government, the degree of responsiveness by broadcasters through the Codes to public interest issues has deepened and quickened. This appears to parallel and reflect heightened self-examination in our society as a whole.

Code Board agendas are publicized through the Code Authority's monthly Code News as far in advance of Code Board meetings as is possible and are generally reported upon in trade publications followed closely by broadcast advertisers and broadcasters.

Code Board meetings have increased in number. Numerous standing committees of the Code Board have been created including, for television, a particularly active one addressing the Code Board's concerns to program and advertising matters affecting children. Position papers from, and/or personal appearances of, appellants comprise a regular feature at Code Board meetings.

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[1] See Appendix, Attachment A, Standard X–3, p. 693.
[2] See Appendix, Attachment A, Standard X–4, p. 693.
[3] See Appendix, Attachment A, Standard XIV–3–3, p. 693.
[4] See Appendix, Attachment A, Standard XIV–3–4, p. 693.

Guidelines of do's and don'ts in specific categories of advertising have evolved, and continue to evolve, as the result of practices in the open market place wherever advertising patterns emerge which appear to comprise an area of public and broadcaster concern.

Typical well-established Code standards/guidelines affecting children directly are those covering safety, toys, and premiums. Other standards/guidelines indirectly affecting children as eavesdroppers on the adult world about them, include among others those for weight reducers, for products designed to relieve the minor symptoms of arthritis and rheumatism, for personal products and for the guidelines announced earlier this year, effective September 1, 1973, for nonprescription medications which are administered internally, for example, ingested, inhaled.[1]

This statement has confined itself thus far to the broadest of background strokes in order by comparison to direct more attention to matters understood to be in the area of interest to the U.S. Senate Select Committee on Nutrition and Human Needs. As to consciously omitted procedural information common to a wide range of self-regulatory considerations faced by broadcasters, it is therefore of importance to assure you, Senator McGovern, of the Committee of Code Authority willingness to submit any further statement or statements and/or additional materials as they may be requested by any of the members of the committee in respect:

OPERATING PROCEDURES OF CODE AUTHORITY

1. To the composition of the Code Boards,
2. How their members are appointed/selected and for what terms,
3. How the Code Authority's staff work is reviewed by the Boards,
4. The nature of Code Authority staff operations at offices in Los Angeles, New York, and Washington,
5. The nature of Code Authority exchanges on specific subjects with affected individual experts on our voluntary (unpaid) and routinely anonymous Medical and Science Advisory Panel of approximately 40 members, and
6. Any other information of interest to the committee as to the operating mechanics of the broadcast industry's self-regulatory machinery. Much of the foregoing is already a part of the public record as a result of earlier statements/appearances by the Code Authority before various governmental bodies.

Coming then closer to the interests of the Select Committee on Nutrition and Human Needs as indicated by the chairman's February 23, 1973 initial letter to me as the Code Authority's director, the following excerpts from that letter will be concentrated upon:

The Select Committee on Nutrition and Human Needs is this year conducting oversight hearings and investigation into the general subject of nutrition education. This subject has many ramifications, one of the most important being the role that private industry through its products and the advertising of those products plays in educating the country's youth to what is good nutrition. The members of the committee have expressed a special concern regarding the variety and types of products being produced for children today and the advertising over the Nation's airways of those products.

[1] See Appendix, Attachment B, p. 694.

. . . We believe that it is important to hear from the broadcasting industry as to how it sees its role and responsibilities in this area.

The broadcast industry's general concerns as to appropriate approaches in advertising designed for children date back over 20 years in television and even further in radio.

Setting aside for the time being the wider issue of the impact on children of everything else they are exposed to in our society, including broadcast advertising content *not* designed for them, the initial self-regulatory approaches were premised on broadcaster identification with free enterprise, a belief that advertising per se is a socially accepted part of that system, and a concomitant assumption that the broadcaster could not realistically insulate viewers of any age from programs and products which find general audience acceptance and have not been the subject of challenge by, say, the Federal Communications Commission, the Federal Trade Commission, or the Food and Drug Administration.

The Code subscribing broadcaster accepted as axiomatic a responsibility to determine *how* the promotion of various products and services could best be handled as distinct from accepting the thrust of some advocate's positions that there is something intrinsically wrong in the concept of revenue from advertisers to support the programing which is offered.

In varying degrees in recent years, these premises have been the subject of controversy in the framework of a national agonizing over a wide range of traditional American pursuits. The broadcasting industry consists of many companies and individualized personalities who do not behave monolithically, are themselves divided as to the direction and extent of, and sometimes the need for, potential changes. Their codes, for those who support them, reflect democratic procedures. Ideally they hold the door open to a wide diversity of program types and, as to broadcast advertising practices, endeavor to respond to manifest needs both as they arise and to the degree to which they can be crystallized out and agreed upon in the context of a pluralistic, competitive and democratically operated society.

A concern parallel to that of the Select Committee on Nutrition and Human Needs was first isolated and formalized for the Television Code Review Board at its May 1971 meeting in the NAB building in Washington. Among Code-subscribing members, broadcaster experience with food advertising designed for children, and with advertising for children's vitamin products and medications specifically formulated for children, lent support to concerns in and out of broadcasting that the potential impact thereof, at least as viewed by conscientious adults, justified a reasoned and potentially time consuming inventory. The Television Code Review Board believed that such a pursuit should be undertaken in a responsible and informed manner free of over-simplified assumptions.

Content Analysis of Television Advertising

The Television Code Review Board directed the Code Authority to commission a content analysis of all television advertising designed for children [1] excepting only toy and children's premium categories already covered by elaborately detailed guidelines.

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[1] See Appendix, Attachment C, p. 696.

Copies of these latter [1] are supplied for the members of the committee as is a copy for the committee chairman of the content analysis of children's television advertising [2] just made available to the Code Authority in a limited rush edition by the well-known New York firm of Praeger Publishers, Inc., as a part of its Special Studies series.

The project was undertaken under the supervision of Dr. Charles Winick, sociologist, City University of New York. It has entailed countless man-hours of selected Code Authority staffers over and beyond their routine responsibilities and its findings have been subject to further checks for reliability. Despite frustrating delays encountered because of the groundbreaking nature of the project and the Code Authority's budgetary limitations, Dr. Winick's summary was presented to the Television Code Review Board on February 21, 1973.

The Code Board endorsed publication of the document and its distribution by the Code Authority to interested governmental agencies as well as to those advocates of whose concerns broadcasters have been aware and to interested others affected by the report's quantitative factual findings.

It is the opinion of the Code Authority that this content analysis of television advertising designed for children serves as a prerequisite first step for Code-subscribing broadcasters, for broadcast advertisers, for the critics of both, and for so important a body as the Senate Select Committee on Nutrition and Human Needs. All of these, from whatever points of view they bring to the issues, will be served in terms of attitudes they hold towards whatever actions should and do follow.

The report is the subject of a June 4, 1973 Praeger Publishers news release summarizing certain of its highlights. The report includes a major concentration on food advertising practices. It supplies advertisers and critics alike with objective and factual data, some of which as to possible impacts on children assumed by adults, support concerns which have been voiced, other data suggest that some of the concerns which have been voiced appear to have been exaggerated and misleading.

Further, the content analysis supplies a base for those of us who support followup research into the way children themselves perceive television advertising designed for them.

For the Television Code Review Board which dictated the commissioning of the report, it has served as a stepping stone to a just endorsed statement of principles governing advertising reaching children intended to be effective as soon as possible and in any event not later than January 1, 1974.[3] This course, which the Code Board had earlier anticipated as the one it would pursue, is believed to enable both the Senate Select Committee, the public sector, and affected advertisers an opportunity to react to the principles now announced.

The preparation of the basic content analysis, and in turn of the statement of principles concerning children's advertising inspired by it, have indeed been exhaustive, and in terms of time consumed a combination of both the necessary and of the frustrating. The Television Code Review Board and the Code Authority believe the content analysis itself to be a work done with outstanding professional skills and

[1] See Appendix, Attachment D, p. 697.
[2] See Appendix, Attachment E, p. 698.
[3] See Appendix, Attachment F, p. 700.

protocol. Judgment in those regards, however, is properly left to the experts.

The Code Board and the Code Authority believe it both in order and reasonable to stress that Code activities involving substantial changes in broadcast practice cannot proceed faster than the necessary gathering of facts and projections therefrom permit. This comprises a being slow but sure, an endeavor to be right rather than sorry, and what we believe to be the surest way to serve the public interest responsibly in respect to children.

Thank you, Mr. Chairman. That is my formal statement. I will be happy when the others have finished to answer any questions.

Senator McGovern. Thank you, Mr. Helffrich. We appreciate your statement. Your attachments will be included in the appropriate place of the hearing record.[1]

STATEMENT OF MR. ALFRED R. SCHNEIDER, VICE PRESIDENT, AMERICAN BROADCASTING COMPANIES, INC.

Mr. Schneider. Mr. Chairman, my name is Alfred R. Schneider. I am a vice president of the American Broadcasting Companies, Inc. One of my responsibilities is to help formulate and to implement the American Broadcasting Companies, Inc. policies and standards in relation to the acceptability of program and commercial material scheduled for broadcast over our facilities.

The American Broadcasting Company Department of Broadcast Standards and Practices reports to me. It is the responsibility of the Broadcast Standards and Practices Department to review all commercial material prior to broadcast over the ABC television network facilities.

Standards of the National Association of Broadcasters Television Code, to which we subscribe, are supplied by trained and experienced editors in their analytical review of both the storyboard, which contains copy and pictures of the proposed advertisement, as well as the final tape or film of the commercial prior to its inclusion in programs for broadcasting.

The area of responsibility lies primarily in the review of such material so as to prevent the presentation of false, misleading or receptive advertising and includes the substantiation or documentation by an advertiser for the claims made with respect to the product where applicable.

When reviewing a commercial or a product the editor will seek a sample of the product and its labeling for examination. If the commercial should make a particular claim for the product, the editor will require documentation which is reviewed by our research department along with the editor for its reasonable validity.

When Federal, State or local rules and regulations apply to the advertising of the product, such rules and regulations will be consulted in the application of the department's standards. For example, if vitamin and mineral references are made in a cereal commercial the editor checks the packaging (Fair Packaging and Labeling Act of the Food and Drug Administration).

[1] See Appendix, pp. 693–701.

NAB Formulates Guidelines

Special concern is directed by this department to advertising of products in programs designed primarily for children. As a member of the NAB Television Code Review Board and its Subcommittee on Advertising Directed to Children, I have directly participated in the formulation and establishment of strict guidelines for the advertising of toys and premiums.

These guidelines were formulated after an extensive study of the content of such commercials and review of practices and methods of presenting these products over broadcasting facilities. With respect to specific reference to advertising of foods, the Television Code Review Board directed the Code Authority to commission a content analysis of all television advertising designed for children, except toys and children's premium categories which are already covered by the guidelines I have mentioned. An extensive content analysis undertaken under the supervision of Dr. Charles Winick, sociologist, City University of New York, was presented to the Code Review Board at its session on March 25, 1973.

As a result of the meeting, the Subcommittee on Children's Advertising, of which I am a member, was directed to review this content analysis and to seek to formulate such additional principles, guidelines including those that may be applicable with respect to food advertising as may be appropriate based upon the recommendations derived from the content analysis.

Attached and made a part of this statement is a copy of the Statement of Principles governing all Children's Television Advertising,[1] as was formulated by the subcommittee and adopted by the Television Code Review Board at its recent June 6–7, 1973 meetings.

We see as our responsibility our continued efforts to participate in the formulation and establishment of such additional guidelines as experience guides us and the implementation thereof by our Standards and Practices Department in relation to the advertising content in a manner so as to present truthfully and informatively the message of the advertiser in presenting his production.

As responsible broadcasters, the ABC television network sees its role in broadcasting directed primarily to children not only in the area of the careful review of advertising messages contained in such programing, but also in the development of program materials which can aid in an entertaining and informative manner in their enrichment and learning experiences.

I think of particular interest to this committee, in line with such objective, is a recent offering on the ABC Television Network within the series of programs called the Afterschool Special, broadcast once a month between 4:30 and 5:30 p.m., and on Wednesday, February 7, the presentation was entitled "The Incredible, Indelible, Magical, Physical, Mystery Trip," a live action and animated musical fantasy through the human body.

Two young children, a brother and sister, are taken on a trip through their uncle's body. The uncle, addicted to overeating, eating the wrong foods, laziness and cigarette smoking, is not only physically unfit, but unaware of the destruction taking place within his body.

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[1] See Appendix, Attachment F, previously presented by Mr. Helffrich, p. 700.

In an informative and entertaining manner, two young children get a first hand look at what occurs when the wrong foods or wrong ingested practices are undertaken.

It is in this manner, by the presentation of programing material that we believe we best serve the public interest in dealing with educational matters such as are the concern of this committee.

We appreciate the opportunity to present this statement and participate with our colleagues in the deliberations of your Select Committee with respect to these matters.

STATEMENT OF MR. THOMAS J. SWAFFORD, VICE PRESIDENT, PROGRAM PRACTICES, CBS TELEVISION NETWORK

Mr. SWAFFORD. Mr. Chairman, my name is Thomas J. Swafford. I am vice president for Program Practices of CBS Television Network. The Program Practices Department is responsible for, among the other things, reviewing all commercial announcements submitted for broadcast on the CBS Television Network. In the average month, the department sees, in various forms, from 2,500 to 3,000 commercials.

This committee has inquired as to CBS' policies and practices with respect to television network advertising of foods to children. In this connection let me describe generally our clearance procedures.

Usually, after the initial submission of copy by an advertising agency, a commercial is either tentatively cleared, rejected outright, or sent back to the agency for changes or substantiation of claims.

In fact on first submission approximately one out of four commercials is either rejected or returned. All product claims are required to be substantiated. When revised commercials are submitted, they are again reviewed, and may again be sent back for further modification or additional verification.

Even after acceptance for broadcast, commercials are reviewed if complaints are received from the public, inquiries are made by affiliated stations or other information becomes available indicating that further consideration is appropriate.

As is true with all commercial copy submitted, the Program Practices Department endeavors to verify claims made by advertisers as to the nutritional value of a product. We make every effort to assure not only that claims can be substantiated but that viewers—young viewers especially—will not be misled.

I would like to note a few other specific activities of CBS which may be of interest to this committee.

In the spring of last year, the CBS Television Network broadcast on *Captain Kangaroo* a series of 50 individual program segments, each 3½ minutes long, and produced under the auspices of the Department of Health, Education, and Welfare.

Subjects covered in the 10-week series included emotional development, the use of energy for work and play, posture and exercise, dental care, sleep and proper nutrition. The series was repeated in the fall of last year.

Additionally, the 5 CBS-owned television stations recently created and produced 10 public service announcements aimed at children. Four of these are devoted to nutrition, emphasizing the importance of fruits and vegetables as part of the diet in place of less nutritional snacks.

All of these announcements ts make use of popular local children's television performers, and are e in addition to nutrition and health announcements broadcast by the s stations on behalf of such organizations as the American Medical Assoc ciation, the National Dairy Council and the American Society of Denti tistry for Children.

Continuing Study of Children's Advertising

This committee may also be i interested to know that early this year, the CBS/Broadcast Group esta tablished a committee made up of corporate, group and division officers rs and senior executives—including myself—to undertake a comprehen nsive and continuing study of the entire field of advertising to children, , including, but not limited to nutrition.

The mandate of those involv lved in this project is broad, including consideration of guidelines an nd advertising content. In establishing this committee, CBS broadcast t management was, we believe, responding reasonably and responsibly y to publicly expressed concern regarding programing and advertisin ing directed to children.

In addition to our own effort ts, CBS has discussed with the advertising council the possibility of a a nutritional campaign on a national basis.

The advertising council has b been working on this for some time. We have been advised that this cam mpaign, which will include public service announcements aimed at both adult and young audiences, will probably be ready for use in the fa fall. CBS has informed the advertising council of its interest in this cam mpaign.

In the whole area of children n's television, including advertisements within children's programs, ma any criticisms have been voiced, some of which we believe have been base sed more on emotion than on fact.

A content analysis of comm mercials designed for children has now been completed by Dr. Charles s Winick of the City University of New York and a copy of his study has been submitted to the committee.

Dr. Winick's study has led to o the Statement of Principles [1] adopted last Wednesday by the Televisi sion Code Board of the National Association of Broadcasters. CBS is is hopeful that this study has given us a more accurate basis on which h to predicate our future consideration of these issues. Implementing t these measures is, and will be, a challenge CBS welcomes.

Thank you for providing me e with this opportunity to present the views of CBS on this important t matter.

Senator McGovern. Thank y you very much, Mr. Swafford.

STATEMENT OF MR. HERMI INIO TRAVIESAS, VICE PRESIDENT, BROADCAST STANDARDS, N NATIONAL BROADCASTING COMPANY, INC.

Mr. Traviesas. Mr. Chairma an, my name is Herminio Traviesas. I am vice president, Broadcast St tandards, of the National Broadcasting Company. My responsibilities a and those of my department are, essentially, to review both advertisin ng and entertainment program material carried on the NBC television ne etwork to assure that programing meets

[1] See Appendix, p. 700.

accepted standards of taste and integrity and that advertising is not false or deceptive.

This statement is in response to the chairman's request for information regarding the advertising of foods to children and the possible adoption of guidelines based on the study by Dr. Charles Winick. But first, however, I believe it would help to put the subject in perspective by explaining the function of NBC's Department of Broadcast Standards.

And I hope you will understand from this not only what this function is, but also what it is not.

The Broadcast Standards' function with respect to surveillance of commercials is a negative function. That is, it does not create the products. It does not create advertising. It does not decide what products to advertise.

The Broadcast Standards' function is to try to view a commercial from the point of view of the audience and to strive conscientiously to protect the viewer from being deceived.

The National Broadcasting Company has maintained a substantial staff to perform this function for nearly 40 years. During that time standards have changed. The basic function has not.

Procedurally the first point at which NBC becomes involved in the commercial presentation of a product is when an advertising agency submits the commercial or, in the majority of cases, the proposal for the commercial, to the Broadcast Standards Department. Proposals appear in script form, or in a "storyboard", a script accompanying sketches of the proposed visual elements.

The commercial, or its proposal, is assigned to a broadcast standards editor who will ordinarily have some familiarity with the background of the product, some of the research that has been done in connection with the type of claim being made, and the advertising being done by competitors.

With this general experience as background, the editor will carefully examine any claims made by the commercial and refer to any relevant standards of the National Broadcasting Company, the National Association of Broadcasters or the Federal Trade Commission.

He may approve the commercial at this point; he may disapprove of it in its entirety; or he may ask for substantiation of certain points or identify certain elements that do not appear to be acceptable. Every factual claim made by a commercial must be substantiated by the advertiser before the commercial can be approved.

Other types of support are also routinely required. For instance, product demonstrations require affidavits signed by a representative of the advertiser or agency who was present at the actual filming. The affidavit [1] must include a description of exactly how the demonstration was conducted, with assurance that the products used were not altered in any way from those a purchaser would find in a store.

Broadcast standards editors also rely upon specialists who serve as consultants to the department in various specialized areas. Areas primarily concerned are law, research, medicine and engineering.

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[1] See Appendix, p. 710.

NETWORK NOT GUARANTOR OF PRODUCT

While NBC expends considerable effort, time and money in this process it is an advertising medium, and is not in the position of the advertiser as a guarantor of the product. Any decision to refuse a commercial must be based upon some valid standard, self-regulatory code or legislative or regulatory rule which reflects an organized judgment that the public interest prohibits broadcasting the particular commercial.

Now please visualize this function in the context of the approximately 37,000 commercials that are submitted to NBC each year. More than one-fifth of these require substantiation of claims. Many will be returned to the agency or advertiser for revision to meet NBC standards.

Some of these will still be unacceptable even after revisions have been made. Some will be produced despite the rejection by NBC's Department of Broadcast Standards and may be carried by stations without appearing on the NBC Television Network.

The number of television commercials finally produced and screened by the Broadcast Standards Department in their final form is more than 10,000 each year. Records are kept on each of these. Advertiser schedules must be constantly checked against these records to assure that each commercial broadcast by the network has been approved.

A script or storyboard of each commercial, upon being scheduled for actual broadcast, is also forwarded to the Federal Trade Commission for whatever review and consideration the FTC may find appropriate.

This is a lengthy and critical process. From general review of the initial idea to final approval of the tape or film to actual scheduling for broadcast and submittal to the Federal Trade Commission. The evaluation of claims, review of documentation, meetings with agency representatives to discuss possible revisions, screening of film and tape, clearing of schedules, all of this is important and is necessary for NBC to fulfill its responsibilities to the public.

NBC's special concern for young television viewers predates by many years the present child-as-consumer movement. NBC's concerns are aptly expressed in the Television Code of the National Association of Broadcasters—a Code which NBC actively supports—as follows:

I quote from the code.

> The Broadcaster and the advertiser should exercise special caution with the content and presentation of television commercials placed in or near programs designed for children. Exploitation of children should be avoided. Commercials directed to children should in no way mislead as to the product's performance and usefulness.
>
> Appeals involving matters of health which should be determined by physicians should not be directed primarily to children.

The special care taken in reviewing children's advertising does not change the function. Clearing commercials for children is no different from clearing all commercials, in that we do not decide whether there are too many cake commercials, too many car commercials, too many cosmetics commercials, so long as the products are legal and proper, and the commercials are honest.

I am a member of the Television Code Review Board of the National Association of Broadcasters and also of its Subcommittee on Children's Advertising. In this capacity I have supported the decision that resulted in a detailed content analysis of children's television commercials by Dr. Charles Winick of the City University of New York.

I have also supported the Children's Advertising Subcommittee statement of principles for children's television advertising which is being, or was presented to the committee today by Mr. Stockton Helffrich, director of the code authority of the NAB.

"PROGRESSIVE ATTITUDE IN BROADCASTING INDUSTRY"

While this statement incorporates much that has long been accepted and applied at NBC, it defines more precisely our concern for children and illustrates what I believe is a progressive attitude in this area and on the part of the entire broadcast industry.

NBC has historically considered such topics to be of such a nature that they cannot be presented adequately within a brief announcement. Nutrition education as a general matter would appear to be within this category. Efforts by NBC to acquaint viewers with the requirements of good nutrition have therefore, for what we thought were obvious reasons, been directed principally to adults and more specifically to mothers.

I have in my statement a list of various programs which I would like to have appear on the record, but I will not read them at this time.

Senator MCGOVERN. We will see that all these attachments on all the statements are made part of the record.[1]

Mr. TRAVIESAS. Additionally, NBC will be carrying public service announcements on nutrition and dental care within its children's programing. Such announcements must be devoid of commercial content, truthful in their representations, and appropriate for children and otherwise meet our general requirements for public service announcements.

We have found announcements prepared by the American Dental Association to be particularly appropriate, and some of them will be appearing on the NBC television network shortly. As for those commercial announcements for food carried on the NBC television network addressed to very young viewers, NBC takes special care to see that all claims are factually correct.

Taking into account the judgment abilities of that viewing audience, I might say, as I had said earlier, Mr. Chairman, the broadcasters' functions remain the same.

The standards change, and as those changes evolve, partly as a result perhaps of the Winick study, we will apply them.

Thank you very much.

Senator MCGOVERN. Thank you for your statement. Mr. Traviesas.

Gentlemen, I think it is clear from all four of the statements that have been made this morning that the industry is concerned about this problem; and that certain valuable and important steps have been taken by the broadcasting industry that relate to the problem about which we are concerned. The central question now is whether additional steps can be taken that will further strengthen the hand of the

[1] See Appendix, p. 707.

industry and of our society, as a whole, in dealing with this all-important matter of nutrition on the part of our children.

Mr. Helffrich, getting to the heart of the matter, I have looked over this Winick report, and I gather the industry, generally, supports the findings of this study.

Which of the criticisms that have been directed at industry with regard to advertising do you believe this report sustains, if any; also which, from your memory, does it contradict? In other words: How does this study square the criticisms, that we have heard, directed at the broadcast industry and its role in the field of nutrition?

Mr. HELFFRICH. I think, Senator McGovern, looking at some of the statements from the study which appeared in the Praeger release, there is a partial answer to your question. I have marked off some of them, anticipating the possibility of that question.

It would seem to me that one of the concerns was that we were constantly stressing sweetness. That does not seem to be supported. The study indicates that some two-thirds of these commercials for edibles in one form or another identified one or more of the product ingredients and gives some sort of information on the makeup of the product.

Some 18 percent refer to vitamins and minerals or nutrient ingredients. I think on the negative side, in response to your question, certainly in comparative terms anyway, some 14 percent linked good eating habits with health. I believe it would be a concern of the committee that that appears not to be enough perhaps.

Another 22.9 percent related products to health or balanced eating.

Perhaps the committee concern would be directed to that, and broadcasters concern. Maybe that is not enough. Balanced meals are portrayed visually in 10.2 percent. I think that while the study was based upon some commercials active 1½ or 2 years ago, by looking at television this past Saturday morning with my 13-year-old, I noticed a Kellogg cereal commercial which very specifically showed toast and other elements of good eating as part of the commercial.

I think one of our basic thoughts today as a group is that there has already begun the process of responding to concern, and I would say that the report points out those areas where the response is needed, and that that is where we would hope for the response to come.

I don't know whether that answers your question, and I am sure I could go on and on, but that would be the main point I would make.

Senator MCGOVERN. In your statement you referred to the recently endorsed Statement of Principles that the industry spokesmen have agreed on. I wish you would briefly summarize the highlights of that Statement of Principles, and point out for the committee record the meaning and significance of that statement.

HIGHLIGHTS OF STATEMENT OF PRINCIPLES

Mr. HELFFRICH. Like anything else, we find that it is necessary for a problem, if problem is the right word, for the issues to crystallize out in some way. As you stated in your opening remarks, these things happen willy-nilly, not by somebody's evil design or something of that sort.

Developments occur. We have a series of ground rules, the networks have ground rules which they operate on. Some of these we have codified into this statement of principles. Others that have not been codified or not really clarified are now articulated in greater degree and detail.

Just to pick out a number of them, No. 2 would apply generally to all advertising reaching children, certainly in the area of edibles.

Creative concepts, No. 3, audio and video techniques, and so forth. Moving to No. 5, it says the disclosure of information on the characteristics and functional aspects of a product are strongly encouraged, and so forth.

No. 6 seems to me important, relating to advertisements for edibles being in accord with commonly accepted principles of good eating, and so forth.

Senator McGovern. In that connection—if I could break in, Mr. Helffrich—where do you see that principle requires any change in the type of advertising for snacks and sweets that now seem to be rather heavily directed at children?

Mr. Helffrich. I think there is a need for change, and I believe in the process of the mechanics of the clearance of advertising which the three network people have covered, it is inevitable that, in the process of now receiving commercials for the fall schedule or future schedules, as the copy comes in and is looked at in terms of this principle, which is new to our public articulations of our approach, then inevitably as the commercials come in, if there seems to be a discord between the commercial approach and this principle, it seems to me it is inevitable that the copy clearance people will have questions.

It is also possible in one of our approaches to this, as it has been if you want somebody to change, you have to give them some idea of what direction they are supposed to change in. That is our view, and we have disseminated the content analysis which you have referenced, and give a list at the back of it of all the advertisers who were agreeable to submitting their commercials for us in the first place. They have now received a copy of this.

We assume some time is going to have to ensue while they look at it, look at their own commercials, too. And since I am a strong believer that if you give somebody a nudge they respond, it is now set up for them to see what the problems are, we have had this content analysis made to spotlight them, and they can endeavor to react to that, and if they do not sufficiently, then our clearance apparatus, that of broadcasting, will help to crystallize those issues.

Senator McGovern. Here is a general question that may be directed to all four of you gentlemen. I know members of the committee have been concerned about just how far we have a right to expect the industry to go in providing some discipline over that advertising—as far as our nutritional concerns are involved. Obviously, the industry doesn't want to take a leap into the unknown. But, what changes do you believe are justified, based on what we now know?

Is there a certain area of common ground where you gentlemen feel that we could, and should, make some changes in the industry food advertising? Any one of you that would care to respond to that, I would be glad to get your views.

Mr. Schneider. Let me take a shot at it, Senator McGovern.

I think what Mr. Helffrich has said is that by reason of the study which was really only primarily a determination of what is on the air, and what is contained in any specific commercial, that we have been led to add a number of principles in terms of the variables that he mentions with response to what the study showed in response to our question.

Responsibility in Two Areas

That is, I think, as you have pointed out, that there is a lack of expression of good eating habits. I think as we each have said in our statements, we are not manufacturers, we don't produce the product, and I think as you have just recognized, our responsibility, I believe, lies in two aspects. One, an informative aspect insofar as viewers are concerned, children and the adults, the second one, so far as the advertiser is concerned within the system in which we operate, that supports the kind of programing and kinds of materials that probably more directly relate to the problem you are talking about, specific programs that I have mentioned that require advertising support, that we still be fair and reasonable to them to enable them to sell their product accurately and informatively.

To answer your specific question, I personally looked at, again, our schedule of last week on Saturday and Sunday. Those commercials which would probably require some change under the new guidelines, and I would say there are about one third that will require the introduction of certain matters with respect to good eating habits.

Quite frankly, I think in the area of certain of the products like candies, it is a question of not overexaggeration, not selling them to such an extent, to substitute for anything else, but there is a place and time in our eating habits for the snack, for the candy, and the appropriateness of that presentation, I think, goes to the commercial.

I think one of the things you said about needs, there are needs. If you take a breakdown, again, of Saturday, the 9th of June, 6 percent of the advertising on Saturday and Sunday morning was candy. Twenty-nine percent related to cereals, 22 percent related to drinks, 16 percent to other foods.

So, although there may be an emphasis, as you quite rightly stated in your statement, on some products that can be advertised, I think our role is to see to it that they are fruitful, that they have informative nutrient matters as well as giving the advertiser the right to sell his product.

Mr. Traviesas. Mr. Chairman, I think you should also be aware of something that has developed in the industry, and that is that the advertiser himself, we have met with several of them, and they are very receptive to our establishing these guidelines, and therefore we have in this climate, as compared with maybe 3 or 4 years ago, a much closer relationship with the major advertisers and dialog in terms of our common objectives.

So that we had them working with us in trying to achieve what we hopefully will come about with after January 1.

I should also remind you that by experience, especially with the toy guidelines, these come about by a series of evolutions. We don't do it overnight. But I think that we have taken a giant step forward

in the industry as far as advertising toys, and we hopefully do the same thing next year in terms of going many steps forward in the coming years, as we learn as we go along.

Senator McGOVERN. Mr. Swafford.

Mr. SWAFFORD. I subscribe to what my colleagues have said. I think the Statement of Principles provides a blueprint or a platform upon which we may implement further actions. It was adopted by the NAB Code Review Board last Wednesday. Frankly, I haven't even had an opportunity to discuss this in any detail with the members of our staff in New York. I am not sure how it will be implemented.

Interestingly, one of the activities of the committee which I mentioned in my prepared statement, which has been formed by the CBS Broadcast Group, one of the first things we addressed ourselves to was the commercials, and one afternoon, we sat down and looked at nothing but commercials. I think that much of what we saw, or many of the things that we saw were confirmed after the Winick study, and by what has been said here this morning. There are areas in which change is indicated.

Senator McGOVERN. Mr. Swafford, can you recall any food ads for children which CBS has received any complaints; or that you have taken action upon, as a result of those complaints?

Mr. SWAFFORD. No. If you are speaking of a specific complaint regarding a specific commercial, no, sir, offhand, I can't.

Senator McGOVERN. I am curious whether viewers call in, write in, or how they do protest.

Mr. SWAFFORD. This is one of the interesting paradoxes. While there has been a very vocal criticism of broadcasting, we haven't received that much in the way of complaints or reactions from our audience.

HEAVILY ADVERTISED TV NONNUTRITIONAL PRODUCTS

Senator McGOVERN. In your statement, you claim that CBS reviews nutritional claims to make sure the young viewers are not misled.

Do you do anything about products that have no nutritional value and make no claim of nutritional value—but do carry a heavy advertising budget urging children to use those foods?

Mr. SWAFFORD. If they don't make any claims that need to be substantiated, we would let them run.

Senator McGOVERN. Even though there is no particular food value in the product?

Mr. SWAFFORD. I am talking about what we have done in the past. I am not sure how this Statement of Principles will apply as we are confronted with this kind of problem in the future.

Senator McGOVERN. I, personally, have applauded the efforts that you are making in the nutritional area, and the public service announcements. I have seen some where you urge youngsters to brush their teeth and eat balanced meals. How do those occasional, public service, spot announcements compete with the advertising budgets that urge youngsters to eat more sweets and all the other products that we know cause heavy tooth decay and other health problems?

Mr. SWAFFORD. I expect in terms of numerical count, it would be heavily in favor of the commercials.

On the other hand, they are being done by the local personalities, the hosts themselves, with whom the kids identify, which is something we will not permit the hosts to do in terms of commercials. I expect that would carry a good deal of weight.

Senator McGovern. Mr. Helffrich, why is it that there is more advertising on children's shows than on prime-time adult shows? I take it, that is a fact.

Mr. Helffrich. It is a fact, but as of the first of this year, there was a 25 percent reduction. There had been 16 minutes an hour. As of the first of this year, it was reduced to 12 minutes. That actually, in terms of practice, is quite a hunk of change.

We think it is an important change in terms of amount.

I would like to go back to something you were discussing with Mr. Swafford, and I do have a couple of thoughts on this business of balance between the public service type announcement in this area versus the advertising.

To go back into history, the anticigarette spot, which was largely balanced out by the amount of cigarette advertising. But you know the story that happened there, so we can't take the position that there is no value to it. I think that is an important point.

I think Mr. Schneider touched on the fact it is extremely difficult to take the position that you cannot advertise candy but that you can justify it, provided it is done straight. And that leads me to another thought. I appeared at one point last year with Mr. Wasilewski before the National Commission on Marihuana and Drug Abuse, and one of the questions to me from one of the commissioners, Mrs. Cooney, got into the whole business of our responsibilities and why it took a long time to do something, and I hope I have covered that in my remarks.

There was more discussion during that session, and Mrs. Cooney has spoken in other areas, and one of her remarks has been that there has to be allotment of mindless entertainment, cartoons and so forth.

There are some advertisements, some categories of edibles, which lend themselves in one form or another to introducing good nutritional ideas, and they don't even have to be dragged in by the heels. They can just be there, and the child soaks up or takes them in.

We don't know a lot about that, but we have to assume if he sees a cereal being advertised in the context of a whole family sitting down to a proper meal, whether that accurately reflects current American practice which I sometimes doubt, it is at least setting forth a good objective.

This should in proper course balance out some of the things that I think you are concerned about, about the advertising of candy. Candy is like mindless entertainment, it is mindless eating. I have four grown children now and grandchildren, and one teenager at home. He does some jerky things as far as what he pushes us for, and we are not battleaxe parents, and we give the educational bit at home.

I think this is generally true of much American practice, and I think the broadcaster problem in relationship to all of this is how to dovetail with practice and still urge toward better eating habits.

Senator McGovern. You referred to the standing committee in the industry that deals with children's programing and advertising. Do you have any consumer or health representatives on the committee?

Mr. HELFFRICH. We do not have public representation, no. We do have on our medical and science advisory panel roughly 40 people in various fields of expertise. It is to these we go on matters relating to a specific issue that might be of concern.

INDUSTRY IS SELF-GOVERNING

Mr. SCHNEIDER. Let me analogize the Code Review Board and its committee to legislative branch of government. Essentially, this committee, although voluntarily supported by its members, is charged with the responsibility of writing the rules and regulations of that industry. Accordingly, there are elected representatives to that, or appointed representatives to that body. They determine what the rules and regulations ought to be for the administration of that industry.

However, so far as the point that you have raised, I think it would be highly improper to bring on that committee, just as it would be highly improper to bring into the Senate or the House of Representatives consumers who are not elected or proponents or opponents who are not elected to that body. We still have a responsibility of listening and hearing those people who may have a point of view. The Code Review Board is open to anyone coming in who wishes to have a hearing to make their point of view known, and the subcommittee from time to time has solicited outside opinion, and I think that is the role of the outside public representative.

They can say, "We would like to have an appearance," and we have done it in the toy area, and this area, and we hope to do it more.

Senator MCGOVERN. I know you gentlemen are all familiar with Robert Choate—who has been a crusader in the problems of hunger. He testified [1] that he was the only consumer representative, so far as he knows, who has ever testified before the NAB Code Authority. Whether or not that is right, I don't know.

It does seem to me that—in view of the considerable amount of advertising that goes into food and food products—it is a rather startling statement, if it is true.

Mr. HELFFRICH. It depends on how you define a consumer. We have other representatives from the public sector who have appeared before the Code Board. In terms of our medical and science advisory panelists, we have a number of participants who are specialists in the area of food.

Two or three of them at the moment are being consulted on a matter unrelated to this specific hearing.[2] This is in reference to cholesterol in food advertising. It is a highly complex area only in terms of being sure what we do or don't do as far as allowing further expansion on references to cholesterol, whether or not we mislead the average person as to exactly what a product will do in relationship to cholesterol out of the context of a total and proper regimen.

Our problems often get complex, because you find that what someone perceives may not be what you intend to be perceived. I am in no way downgrading the consumer's common sense, but possibly the exuberance of the advertiser who might gloss over some points in presenting others. This is a problem for us.

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[1] *See* hearings of the Select Committee on Nutrition and Human Needs, March 6, 1973, Series 73/NE4. Part 4—TV Advertising of Food to Children, p. 387.

[2] See Appendix, p. 706.

Mr. Choate appeared before the full Television Code Review Board in May of 1971. He also, at an earlier point, had had a 2-hour session with me as to the areas of his concern, particularly his concerns in relationship to possible miseducation of the young.

As a result of the input both to me in the office meeting and to the full Code Review Board, and our own concerns in this area, and they relate to Mr. Choate's articulation of his concerns, we had already begun to feel that we needed some sort of a content analysis that would pin down for us exactly what is happening.

It is an area where you tend to bring a subjective evaluation to it, because you come to it with whatever biases you have of your own as a viewer. We were somewhat fearful that his assertions in this area might be oversimplified, and therefore we wanted a content analysis.

At the same time, we were aware that there might be criticism, and putting it together takes time, and it might be said we were dragging our heels while we did it.

We think now that we have pinned it all down, we have come out with principles, as expressed by Dr. Mayer [1] in some of his articles, and it seems to us that some further activities may have to be pursued.

So, we arranged for the appearance of such a person before the Code Board, who states it as he sees it, and he was given ample opportunity to state it as he saw it, and now we are proceeding. We have not been insensitive to concerns.

Function—Negative . . . Make a Positive Effort?

Senator McGovern. Mr. Traviesas, I was interested in your statement that the function of your office at NBC is primarily a negative one. To use your words, "that you do not create products, or advertising for those products." Thus you perceive your function as one of reviewing the advertising to protect the viewer against being deceived.

I am wondering if that isn't too restrictive a view. For instance, the Winick study—to which I have already referred—reached a conclusion that children's advertising is lacking in nutrition and health information.

Couldn't you, as a positive function, ask your advertisers to make a real effort to remedy the situation that the Winick report refers, in this regard?

In other words, can't there be positive efforts to encourage those advertisers to put some nutritional education content into their advertising?

Mr. Traviesas. The answer obviously is yes, in view of the study that we have just completed. I think perhaps the negative words stand by themselves, because one of the words that we dislike very much is the word "censorship," which most people refer to as the censor always saying "no."

But in terms of the job, I am trying to point out that as long as the product is legal, in good taste, and falls within all the regulatory functions, then our job is to be sure that it is presented honestly and in good taste.

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[1] *See* hearings of the Select Committee on Nutrition and Human Needs, March 5, 1973, Series 73/NE3, Part 3—TV Advertising of Food to Children, pp. 266–275.

In terms of answering your question in view of the new study, in view of the directives we now have, we are certainly going to work toward that in this particular area.

Senator McGovern. Mr. Schneider, I understand that ABC has a very remarkable educational film with the title, "The Incredible, Indelible, Magical Physical Mystery Trip." Is it possible that you could provide the committee with a copy of that film?

Mr. Schneider. I would be very happy to, Senator.[1]

Senator McGovern. In your mind, how does the occasional showing of that type of film—and I understand it is an especially good one—really compete with the great mass of commercials aimed at promoting the so-called "fun foods," which have very little nutritional value, and may even be damaging?

The reason I go back to this principle is that, it seems to me, if the industry is going to devote public service time and effort—and I certainly commend you on that, and the educational efforts of this kind—it may be that some of this effort should be expended by working with advertisers on their commercial docket. I believe that you could accomplish more that way than with an educational film that seems to be at war with the more heavily advertised product.

Mr. Schneider. Well, again, several responses to that, Senator. The entertainment program that you are referring to—the film—was shown at a time when children hopefully are before the television set, and will be repeated again. This was a program which was commercially sponsored. It was not primarily a public service, that is, in the sense of being a sustaining project. It was in a sense public service in the sense of its educational value. I think that again, just as what one takes away from a program like this cannot be measured in the same manner that what one takes away from watching a commercial, and what the effect of that commercial will be.

A study was just put out by CBS that the opinion makers will say, "Let's have more documentaries," and yet they are the people who do not watch the documentaries, and I don't know how you affect the audience, and I have asked other people in the company as to what the importance of programing like that is.

Broad Aspect of Instructional Entertainment

I think several aspects of what you are striving for here is, one, the jawboning with respect to advertisers in terms of not only what they ought to do so far as their commercials are concerned, but also the need for us as broadcasters to a similar responsibility of doing more programs like the one you mention, whether it be nutrition or with respect to safety, or what the myriad other problems are that face the young society today.

I think we have a broad spectrum to answer, not only in the area of nutrition, but for example, one which we did which dealt with violence, with guns and conservation problems (The Last of the Curlews). We are faced with many different aspects of instructional entertainment matters that have to reach our audiences, and this is only one part of it.

Senator McGovern. One of the large cereal producers testified a while back that they were doing a very effective job in terms of some

[1] Retained in committee files.

of the printed literature they distributed about what constitutes good nutritional practice. In those pamphlets they were directly attacking some of their own products, by indirection. They were paying a very high advertising budget to advertise foods that were directly contradictory to the warnings they put out in their own printed literature.

So I think that—without in any way suggesting censorship—whatever extent the broadcast industry can encourage advertisers to insert nutritional education in these paid commercials, you tend to support and reinforce the kind of educational effort that, apparently, this film represents.

You can't have the industry at war with itself in terms of emphasizing what should be the main concern to all of us—the best possible nutrition education.

I realize that the broadcast industry can't be a nursemaid to the American people—children, adults, or either one—but I do believe there are certain things that can be done many of them are pointed up in the Winick study. I think common sense would dictate this should enable the industry to perform an even greater service than some of the steps that are now being taken, laudatory as they are.

Mr. SCHNEIDER. I agree with that, sir.

Senator MCGOVERN. Mr. Schlossberg, the committee staff director, has some questions. However before we get into that, are there any other points that any of you gentlemen wish to make? We would be glad to hear from you.

Mr. TRAVIESAS. I would like to reemphasize what I said in my statement, that I think the industry has responded, and in an area that is important to continue to do more work and this is the education of the mother through the daytime programs where you have the opportunity, like the Dinah Shore Show, and some of those.

In other words, nutritional education, at the seat where the control is, and I think that is an area where you can do it more demonstrably and more intelligently than trying to capsulize it in a 30-second announcement, even though I am not against the 30-second announcement, which we are going to try to do next year.

Senator MCGOVERN. Thank you.

Mr. Schlossberg.

WINICK REPORT SUPPORTS CRITICISM

Mr. SCHLOSSBERG. Gentlemen, I have two lines of questioning; one specifically on the report, and the other quoting some of the previous testimony before the committee to give you an opportunity to respond to it.

First, on the report itself—and you may answer however you wish. Doesn't the statement in the report, "over four-fifths of the products have no reference to sweetness"—while it may technically be an accurate statement—greatly understate the degree to which sweetened products are being advertised, today, to children?

The report, itself, states that about 70 percent of all the products advertised to children are "fun-type" sugar foods. Also, when you measure actual exposure on TV that percentage increases. The products that emphasize sweetness the most are cereals, and they are the most heavily advertised of the products.

Do not these facts, in the report, really justify to a great degree the criticisms that have been directed at the TV advertising of foods to children?

Mr. HELFFRICH. I am sure some of my colleagues may like to comment also, but I will take a crack at it. One, I think the assumption is being made that because 70 percent has to do with fun type foods, or whatever the report says, that that means that children are looking at 70 percent.

That of course is not true. There is actually an average of viewing going on, so that what is on is not looked at by every child constantly for the entire Saturday and Sunday morning period.

Second, we have been told by the cereal people, and they may well have said it here in their earlier testimony, and I have not had a chance to read all that, they have said that if they do not in many cases sugar-coat or sweeten the cereal, it simply will not be eaten.

We think it therefore is important that although the product is sweetened in many cases, it is not the sweetness that is being emphasized. I think that is what the report is trying to bring out.

The important thing is to get them to eat the cereal, and try to get a good breakfast habit. The cereal people themselves have indicated that they have an awareness of the problem. They have indicated a wish not to press sweetness per se, but rather to express that which is important about a good breakfast, and the commercial that I mentioned earlier did just that.

It had no reference to the sweetness in it, and I saw it this last Saturday morning, and yet I would have to assume, although I don't happen to know about the particular cereal, that it does have a sweetening agent in it. It is really going back to the old Popeye bit, "Eat your spinach." It is hard to get children to do what is good for them.

The important thing about this is directly answering it as I see it. I truly do not believe that the technical distinctions which are made by Dr. Winick—and I was doing a little boning up on this myself, it gets to be terribly laborious reading all this, but it is important—makes the distinction which you are making.

He makes no apology for it, and seems to build his case in the research done for us on this aspect.

Now as to any comments that my colleagues want to make on that additionally, I don't know. That would be my own thought on that.

SWEETNESS, NOT MILK, EMPHASIZED

Mr. SCHLOSSBERG. Are there other responses to my first question?

I was struck by not only the fact that cereals were singled out in the study as emphasizing sweetness to a much higher degree than any other food; but, that at the same time—this, frankly, quite surprised me—in the cereal commercials, milk was not mentioned 40 percent of the time. The industry witnesses had been quite firm and strong about saying that, in almost every case, milk was mentioned in connection with cereals.

Mr. SCHNEIDER. I think one of the things was referred to, in response to that, by Mr. Helffrich, that the study related to those commercials which were then being telecast in 1970.

Mr. HELFFRICH. 1971, really.

Mr. SCHNEIDER. And since then I have found in our survey just last weekend that we have increased from 10 to 40 percent of the balanced

breakfast information, so th
been held, too, an increase
terms of the commercial, an
things that would be chang
on the full content of the bre

Mr. SCHLOSSBERG. Durin
believe that cereal advertis

Mr. TRAVIESAS. No, I am
percentage-wise, there was n
with any dramatic change
figures.

Mr. HELFFRICH. That mig
its approach.

Mr. SCHLOSSBERG. There is
I wonder if you could elabo
is so important a stimulus
oral ingestion via a visual
of close-ups."

I can guess what that mea

IMPAC

Mr. HELFFRICH. This is o
approaches: They are orally
stick their fingers into thei
comes along. I don't think
words in his mouth here, b
simply be what he and his w
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the input and the possible im

Additionally, I would ass
that an advertiser aware of
that is wrong, it seems to
commercial.

It is a way of getting thr

TV ADVERTISING CREA

Mr. SCHLOSSBERG. My und
is an extraordinarily powerf
mind is exceedingly power
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are quite significant responsi
and on the industry in term
that very strong sense of resp

Mr. HELFFRICH. On any o
statement on which some of u
of our lack of expertise. I wil
to you his relationship to the

Additionally, on the conc
function to relay those concer

[1] See Appendix, p. 708.

at there has been, since these hearings have
in the overall balancing of a breakfast in
d I think that you will find that one of the
ed in the future in terms of the emphasis
akfast.

that same period of time, 1971 to 1973, I
sing increased considerably, didn't it?

not familiar with that. You are saving
more cereal advertising? I am not familiar
in that, but we just don't keep those sales

ght be good if the advertising is changing

s a statement in the report, on page 21, that
rate on. It is: "One reason that television
to the child is that it feeds his interest in
and kinetic image and with extensive use

ans, but I would like you to tell me.

CT OF ORAL ASPECT

one of the things as to children by their
y preoccupied. There is no question. They
r mouths, and nearly anything else that
that Dr. Winick, although I cannot put
ut I would have to think that it would
ife, the other Dr. Winick, are aware of as
ld be covered in a content analysis as to
pact of that aspect.

ume as one of the critics has pointed out,
that would want to play a part. Whether
me, depends only on what else is in the

rough to the child, I believe.

ATES RESPONSIBILITIES TO CHILDREN

lerstanding of that statement is that this
ul instrument; and its effects on the child's
ul. Then—if you put that statement to-
the report that children, on the average,
any other member of the family—there
ibilities both on the part of the advertiser
s of the end result. I wonder if you feel
onsibility.

f your questions relating to Dr. Winick's
s may not be able to answer in full because
l relay them to him and be sure to get back
m, and his further comments.[1]

rns raised, I think it would be a normal
rns to the advertisers.

Senator McGovern. Were any of you gentlemen especially involved either in the Winick study or in the statement of guidelines that were referred to today? Perhaps, all of you were. But, if there is any one of you particularly involved, I have a question I would like to put to him.

Mr. Helffrich. I am not sure I understand your question. The Statement of Principles, all of us were involved in. The study itself was conducted by Dr. Winick and gave him carte blanche, that we will do anything we can to get the commercials to you, you look at them devise a coding instrument, feed it into computers, and so forth, and come up with the answers, whether they are right or wrong.

He agreed to do that.

Senator McGovern. Those conclusions are actually his own?

Mr. Helffrich. They are his own, but I don't mean to suggest by that, that we do not stand behind them. The head of the NAB Research Department was called in on a number of occasions to look over Dr. Winick's studies in respect of how they were proceeding, were they picking the right things, or in any way was anything going forward that would not be supported in terms of sociological research, and our research department found itself most comfortable with the entire approach, and felt it would be most valid.

The network people have research departments, also, and I am sure we would have an indication from them if there were any feeling that the method had in some way been lax.

Additionally we would be in the awkward position of having put an awful lot of time and money into something that now falls apart and makes us look pretty silly, and I don't think we truly believe that, and here I have to go to the experts, who tell me this is a good piece of content analysis.

Our feeling is that it gives us quantitative things, and we don't know how to measure them totally, what impact they have on children, but we do know it does something which seems to be a prerequisite before you can do something else.

One other thing. Dr. Winick makes no small point of the fact that he thinks it lays groundwork for research into how children perceive, but we don't think in the meantime we should sit still and do nothing.

If someone wants to undertake this research, it seems to me highly desirable, and it would give something that would be very good to get.

Committee To Study Children's Advertising

Senator McGovern. Mr. Swafford, you referred to the CBS Committee To Study Children's Advertising. Can you tell us a bit more about that committee—its composition, and any tentative conclusions the committee has arrived?

Mr. Swafford. First, as to composition, Senator, we have a general attorney from our law department who is responsible for Government affairs. We have two officers of the broadcast group, an administrative officer and a vice president for research for CBS, and we have an officer with the television stations division and myself.

We also have on the committee the director of finances and planning for the CBS Broadcast Group. We have yet to reach any conclusions. We have had about half a dozen meetings thus far during which time we have planned to expose ourselves to as much external information as we might get, reading statements, that have been made

by various people, and including Action for Children's Television, and various others, statements from the Cereal Institute, endeavoring to expose ourselves to all facets of this whole area of children's television.

Senator McGovern. When Dr. Mayer testified,[1] he made a specific suggestion regarding a process to monitor the advertising to children. I don't know whether you gentlemen have read that hearing or not. But summarizing—and I will give you the highlights of it—he recommended a voluntary committee made up of psychologists, pediatricians, nutritionists, and representatives of the food and advertising industry, as well as representatives of consumer groups, including some mothers.

He said this committee might review advertising and decide whether it has a redeeming social significance or not. It would be a voluntary operation, of course.

He is not suggesting to the committee that it have the final word on what you would accept in the way of advertising, but that a group of this type be assembled under the leadership of the industry—hopefully to come up with suggestions that would be worthwhile.

In other words, his idea is to get some technical expertise from the nutritional field, as well as people drawn from the broadcast industry. Do you think his proposal has any merit?

Mr. Swafford. In the first place, as Mr. Helffrich pointed out, we have available to the NAB Code Authority some 40 experts,[2] specialists in various disciplines, pediatrics, nutrition, much of this same expertise is available to the networks.

Now our department frequently is in consultation with various experts in various fields when we don't have that particular expertise ourselves.

As to the concept of a committee, well intentioned though it might be, assuming unto itself the responsibility of deciding what should or should not go on television, I know certainly for CBS we would not be willing to delegate or to abdicate that responsibility.

Senator McGovern. That was not my area of suggestion, either. Dr. Mayer was saying this would be a voluntary group, and they would be in an advisory capacity. However, as I understand from your answer the Code Authority already draws on experts of this kind. Is that right?

Mr. Swafford. The Code Authority, and certainly CBS. I can't speak for the other networks, though I would certainly assume that they make this kind of expertise available when they can.

Senator McGovern. Do any of you other gentlemen have any comments on this?

Mr. Schlossberg, do you have any additional questions?

Fantasy Shows and Fantasy Commercials

Mr. Schlossberg. Let me ask a very specific question, in terms of the study, and possible changes in the programs.

The study finds that cartoon, or fantasy, characters are spokesmen in over two-fifths of the commercials. Isn't this, in a sense, taking un-

[1] *See* hearings of the Select Committee on Nutrition and Human Needs, March 5, 1973, Series 73/NE3, Part 3—TV Advertising of Food to Children, pp. 256–261.
[2] See Appendix, Attachment D, p. 697.

fair advantage of children by making it difficult to distinguish between the cartoon shows—and there are very many of these—and the commercials that break into the show?

As an adult watching television there is no question when the show ends, or breaks, and the commercial begins. But, as a child watching a cartoon show with a cartoon commercial right in the middle of it, isn't that unfair? I wonder, in terms of changes that you are going to consider—or kinds of encouragement you are going to give to advertisers and sponsors—whether this isn't a very specific area that should require some change?

Mr. SCHNEIDER. I think that that particular problem was addressed to by each of the networks and by the Code Authority over a year ago, and which has resulted in the suit that Mr. Helffrich has referred to, and that is that we each, because of realizing some possibility of confusion in this area, we said that primary cartoon characters, who appear in the program itself may not participate in the commercial contained within that program, or adjacent to that program. The very point of that is to try to make that clear distinction between the host and cartoon characters that Mr. Swafford referred to before of selling the entertainment and selling the product at the same time.

That rule, or those rules, have been in effect since September of 1972, so that the primary host may not appear in a commercial within the program itself.

Mr. SCHLOSSBERG. I was going one step beyond that.

Mr. HELFFRICH. I am the one being sued. I think it may not be the better part of wisdom for me to make any further comment now, but the rule has been in effect and does endeavor to separate the host or the primary cartoon character from the sales pitch.

In fact, we also encourage that if the sales pitch is to be made by a cartoon character that it be a totally separate cartoon character. As I understand it, you are suggesting that there might be a further step, which would be to have a standup announcer. That will probably go over great with AFTRA, but it probably won't go over with the cartoonists guild, or whatever it is called, out in California, who immediately accuse us of cutting their income.

I think we can take under advisement the point you are making and discuss with advertisers the potential desirability of doing something further in this area.

Mr. SCHLOSSBERG. One final question: What degree of responsibility for individual ads belongs to—in the following sequence—the networks, the individual broadcasters, the advertising agencies, and the sponsors?

Who is responsible, and to what degree, for what finally gets shown on the TV.

Mr. SWAFFORD. What is the procedure and who ultimately is responsible?

The broadcaster.

Mr. SCHLOSSBERG. The broadcaster?

NETWORK STATION HAS ULTIMATE RESPONSIBILITY

Mr. SWAFFORD. Yes, the broadcaster.

Working backward, you work through the agency to the sponsor. The station, the network, in either case is the broadcaster, and he would be ultimately responsible.

Mr. HELFFRICH. That question is asked in other ways of us from time to time, depending on the subject area. In the mechanics of network national clearance, the advertising, routinely, after the advertiser has decided what he wants to advertise goes to the agency to put it together, and then goes to the three networks, probably simultaneously, if it is going to be carried on all. It is, however, important not to overlook the local advertising here. There tends to be an assumption that all of us, including some of us network oriented type people, because of our jobs, tend to assume that everything develops at the network level. That isn't true, either.

You have local children's programing and hosts, and what not, and most have local advertisers. It might well be that one of the points, Senator, that you made earlier relating to the advertising of groceries and market vegetables and what not, that these may well develop more at the local level than at the national level.

It is pretty hard to find any supermarket that sells squash, or whatever, that is advertising on a national level. This is a case of staple goods, so it is more likely that the advertising for them will develop at the local level.

Senator MCGOVERN. Thank you very much, gentlemen.

We appreciate your testimony today. The attachments to the statements will be made part of the hearing record.

We do appreciate your taking time to give the committee the benefit of your counsel.

The committee is in recess, to reconvene at the call of the Chair.

(Whereupon, at 11:50 a.m., the Select Committee was recessed.)

APPENDIX

ITEM 1—SUBMITTED BY WITNESSES

FROM MR. STOCKTON HELFFRICH

ATTACHMENT A—TELEVISION CODE STANDARDS

STANDARD X–2

The role and capability of television to market sponsors' products are well recognized. In turn, this fact dictates that great care be exercised by the broadcaster to prevent the presentation of false, misleading or deceptive advertising. While it is entirely appropriate to present a product in a favorable light and atmosphere, the presentation must not, by copy or demonstration, involve a material deception as to the characteristics, performance or appearance of the product. Broadcast advertisers are responsible for making available, at the request of the Code Authority, documentation adequate to support the validity and truthfulness of claims, demonstrations and testimonials contained in their commercial messages.

STANDARD X–3

The broadcaster and the advertiser should exercise special caution with the content and presentation of television commercials placed in or near programs designed for children. Exploitation of children should be avoided. Commercials directed to children should in no way mislead as to the product's performance and usefulness.

Appeals involving matters of health which should be determined by physicians should not be directed primarily to children.

STANDARD X–4

Children's program hosts or primary cartoon characters shall not be utilized to deliver commercial messages within or adjacent to the programs which feature such hosts or cartoon characters. This provision shall also apply to lead-ins to commercials when such lead-ins contain sell copy or imply endorsement of the product by program host or primary cartoon character.

STANDARD XIV–2–c

Children's Weekend Programing Time—Defined as that contiguous period of time between the hours of 7:00 a.m. and 2:00 p.m. on Saturday and Sunday. In programing designed primarily for children within this time period, non-program material shall not exceed 12 minutes in any 60-minute period.

STANDARD XIV–3–d

In children's weekend time, as above defined in 2–c, the number of program interruptions shall not exceed two within any 30-minute program or four within any 60-minute program.

ATTACHMENT B—NONPRESCRIPTION MEDICATIONS

PREAMBLE

The use of illegal drugs and the abuse of legal prescription medicines, particularly among young people, are matters of grave public concern. The acts themselves and the consequences of the acts can have a most destructive effect on the lives of many individuals . . . users and nonusers alike. They also have an undermining effect on many of the vital, positive aspects of our society.

Notwithstanding the scope and variety of efforts which are being made to understand and overcome the problems, there appears to be no simple explanation for and solution to the use of illegal drugs and the abuse of legal prescription medicines.

As to nonprescription medications, although no link between their advertising and drug abuse has been established, broadcasters have developed and continue to seek ways to improve upon standards governing the broadcast advertising of nonprescription medications. This reflects broadcaster awareness of and response to the continuing concern about indiscriminate use of, and undue reliance upon, chemical substances.

Responsible self-medication has played and continues to play an important role in the lives of many citizens. Sensibly pursued, it serves a constructive purpose.

The following Advertising Guidelines for Nonprescription Medications, effective September 1, 1973, are applicable to all nonprescription medications administered internally (for example, ingested, inhaled).

Previously promulgated guidelines covering the stimulant, calmative and sleeping-aid product categories are included hereunder with appropriate revisions.

The intent of the Guidelines is to encourage within affected advertising that which:

(a) provides factual information about the products, consistent with objective package/label information;

(b) avoids representations that a product will alter a user's mood or attitude beyond that reasonably experienced through the relief of symptoms/conditions for which the product has been proven effective;

(c) advises users to read and follow label instructions/cautions;

(d) avoids over-statements in both audio and video of a product's capabilities.

It is believed that the Guidelines will foster advertising approaches which will benefit the public interest.

The Guidelines are subject to extension and modification as needed.

I. GENERAL

A. Claims of product effectiveness including comparative efficacy claims, must be substantiated by clinical, other scientific evidence or responsible medical opinion.

B. Advertisements shall contain an overt reference to the need to read and/or follow the product's labeling/directions/caution information.

C. Representations of a product's capabilities (palliative or other effects) shall not be over-stated. They shall be directed to symptoms/conditions for which the product is intended and for which substantiation has been supplied.

D. Portrayal of immediate relief or other immediate effects shall be confined to those products where clinical documentation supports the presentation. Portrayals of before-and-after product use situations shall adequately reflect the time generally required to achieve relief of symptoms/conditions covered on labeling.

E. Audio/visual approaches commonly associated with the "drug culture" or which imply a casual attitude toward the use of drugs and medications shall not be employed. A non-prescription medication shall not be advertised in a manner which is likely to result in its use for other than its indicated conditions, or in a manner which suggests or implies that it is other than a medicine.

F. The use of children shall not be permitted in presentations on behalf of non-prescription medications intended for adults. In advertisements for medications specifically formulated for children, the appearance of youth or children shall be present only in situations involving responsible adult supervision. Any such presentation shall avoid audio/visual approaches tending to capture the attention of children rather than adults.

G. Products shall be presented for occasional use only.

H. Depictions of reliance on non-prescription medications in order to deal with or as a simplistic solution for, problems common to inter-personal relationships or other everyday problems shall not be permitted.

I. References to a non-prescription medication as "non-habit forming" or "non-addictive" shall not be permitted.

J. The use of authority figures/celebrities as product presenters shall not include their personal testimonials or endorsements.

K. On-camera pill/capsule taking shall not be permitted.

L. Specific identification of non-prescription medications by their color or video over-emphasis on the color of the product shall not be permitted.

M. Advertisements for non-prescription medications shall not be scheduled in or adjacent to programs designed primarily for children.

II. PRODUCT CATEGORIES

A. Stimulants

1. If ingredients are referenced directly or indirectly, disclose common name where such exists and/or nature of principal ingredient (for example, "contains caffeine," "equivalent to X cups of coffee").

2. The temporary nature of the product's effectiveness shall be overtly disclosed.

3. Product use to encourage the extension of one's normal abilities shall not be depicted.

4. Representations that a product will allow one to function adequately contrary to sound safety practices shall not be permitted.

5. Representations indicating that a product can provide physical energy shall not be permitted (for example, "If simple fatigue wears you down, if you work too hard or rest too little, get pep and energy from product X").

6. Language indicating that a product will heighten one's spirits, such as "quick lift," "more alive," "feel brighter," "pick up" shall not be permitted.

7. Direct or indirect references to or comparisons with prescription drugs shall not be permitted.

8. Contrasting "before and after" visuals/dramatizations shall not be permitted.

9. Representations of chronic conditions shall not be permitted.

10. Testimonials and endorsements shall not be permitted.

B. Calmatives

1. Reference to "tension" is acceptable only if qualified as "simple nervous tension" or its equivalent.

2. The temporary nature of the product's effectiveness shall be overtly disclosed.

3. Product use to encourage the extension of one's normal abilities shall not be depicted.

4. Representations that a product will allow one to function adequately contrary to sound safety practices shall not be permitted.

5. Language which tends to over-amplify or exaggerate the condition for which the product is used shall not be permitted (for example, "depression," "tranquilized," "frustration," "nervous wreck," "anxiety," "up-tight").

6. Direct or indirect references to or comparisons with prescription drugs, shall not be permitted.

7. Contrasting "before and after" visuals/dramatizations shall not be permitted.

8. Representations of chronic conditions shall not be permitted.

9. Testimonials and endorsements shall not be permitted.

C. Sleeping Aids

1. Representation of the product as a direct cause of rather than as an aid to sleep shall not be permitted.

2. Depiction of dependence on a drug or drugs in anticipation of next day's activities shall not be permitted.

3. If "tension" is mentioned as the cause of sleeplessness, it shall be qualified as "simple nervous tension" or its equivalent.

4. Direct or indirect references to or comparisons with prescription drugs shall not be permitted.

5. Representations of chronic conditions shall not be permitted.

6. Testimonials and endorsements shall not be permitted.

ATTACHMENT C—ADVERTISING TO CHILDREN

Children, especially preschoolers, are highly dependent on the guidance and direction of the adult world around them—television included—for their individual development. Since younger children are not in all situations able to discern the credibility of what they watch, they pose an ethical responsibility for others to protect them from their own susceptibilities. Recognizing this, the Code Authority of the National Association of Broadcasters issues the second edition of the Toy Advertising Guidelines designed to assist manufacturers, their agencies, and broadcasters in the preparation and evaluation of radio and television commercials.

I. DRAMATIC REPRESENTATION

A. Seek

1. To place the toy in a framework of a play environment performing in a way accurately representing the toy.
2. Movements and setting for the toy which a child is reasonably capable of reproducing.
3. To employ the complete and authentic sound(s) of the toy.
4. To employ actions and encourage habits that are consistent with generally recognized standards of safety.

B. Avoid

1. Demonstrations, dramatizations or use of animation that show the toy in a manner that is not authentic.
2. Demonstrations suggesting attributes not inherent in the toy as purchased.
3. Dramatizations from real-life staged without clearly qualifying their relationship to the toy.
4. Overglamorization of the product via large displays, dazzling visual effects, stock film footage, sounds of the toy's real-life counterparts, whether in real-life simulation or such devices as fantasy.
5. Dramatization of the toy in a realistic war atmosphere.
6. Dramatization which could frighten or scare children.
7. Demonstrations of a toy in a manner that encourages harmful use or dramatizations of children's actions inconsistent with generally recognized standards of safety.

II. SENSE OF VALUE

A. Seek

1. To employ price only if it can be supported as the usual and customary price in a substantial number of retail outlets in the given trade area or areas where the advertising is scheduled.
2. To present the toy on its actual merits as a plaything.

B. Avoid

1. Representing the price of a toy in any amount which is not the usual and customary price in a substantial number of retail outlets in the trade area or areas where the representation is made.
2. Oversimplification such as "only" and "just" applied to the price of a toy.
3. Presumptions that a toy requiring a material investment can be had for the asking.
4. Appeals contending that, if a child has a toy, he betters his peers or, lacking it, will invite their contempt or ridicule.

III. METHODS OF PRESENTATION

A. Seek

1. An approach to advertising which does not exaggerate or distort the play value of a toy.
2. To establish clearly what constitutes the original purchase of the toy, employing, when necessary, positive disclosure on what items are purchased separately.
3. Positive disclosure when items such as batteries needed to operate a toy as demonstrated in the advertising are not included.
4. Positive disclosure as to a toy's method of operation and source of power.
5. Positive disclosure when a toy requires assembling.

B. Avoid

1. Employing irritating audio or video techniques to demand the child's attention.

2. Any implication that optional extras, additional units or items that are not available with the toy accompany the toy's original purchase.

3. Costumes and props which are not available with the toy as sold or reasonably accessible without additional cost to the child.

4. Demonstrations which create the impression that a toy comes fully assembled when such is not the case.

ATTACHMENT D—CHILDREN'S PREMIUMS/OFFERS

The Advertising Guidelines for Children's Premiums and Offers shall be applied to all advertising directed primarily to children which promotes premiums or offers.

1. The amount of time devoted to a premium or offer shall be a continuous segment and shall not exceed one half of the commercial or twenty seconds, whichever is less in length. If the premium/offer is related to and used with the product advertised, its incidental appearance in the product segment of the commercial will be permitted on a case-by-case basis.

2. The premium/offer shall at some time be displayed in a still visual presentation, so that it is clearly depicted.

3. In the premium/offer segment, the use of stock footage, real life counterparts, fantasy or animation is not permitted. In order to maintain continuity, the product spokesman may deliver a lead-in to the premium/offer segment, provided it contains no endorsement or sell copy for the premium or offer. Also for continuity, the voice-over used in the premium/offer segment may be that of the product spokesman.

4. Competitive, comparison and superiority claims for premiums/offers, measurable or unmeasurable, are not acceptable.

5. The number of items shown in a play situation shall not exceed two per child or a maximum of four with two or more children, unless the possession of more by one child can be reasonably supported by the advertiser.

6. Positive disclosure of special information, such as the price or separate purchase nature of the items offered, shall be made in the audio. As deemed appropriate, supporting disclosure simultaneously in the video will be required.

7. If any conditions are attached to obtaining a "free" premium or offer, all the conditions must be clearly and conspicuously disclosed simultaneously in audio and video. The appearance of the word "free" in a video super shall not exceed in size that of the conditions disclosed.

8. Toy Advertising Guidelines shall apply where applicable to all premiums and offers. The applicable Guidelines which have been re-worded to reflect their relation to premium/offers are:

A. Dramatic representations should seek:

1. To place the premium/offer in a framework of a child's environment performing in a way accurately representing the premium/offer.

2. Movements and settings for the premium/offer which a child is reasonably capable of reproducing.

3. To employ the complete and authentic sound(s) of the premium/offer.

4. To employ actions and encourage habits that are consistent with generally recognized standards of safety.

B. However, they should avoid:

1. Demonstrations or dramatizations that show the premium/offer in a manner that is not authentic.

2. Demonstrations suggesting attributes not inherent in the premium/offer as purchased.

3. Dramatizations from real-life staged without clearly qualifying their relationship to the premium/offer.

4. Over-glamorization of the premium/offer via dazzling visual effects.

5. Dramatizations which could frighten or scare children.

6. Demonstrations of a premium/offer in a manner that encourages harmful use or dramatizations of children's actions inconsistent with generally recognized standards of safety.

C. The commercial should seek to present the premium/offer on its actual merits, avoiding:

1. Oversimplification such as "only" and "just" applied to the price of a premium/offer.

2. Presumptions that a premium/offer requiring a material investment can be had for the asking.

3. Appeals contending that, if a child has a premium/offer, he betters his peers or, lacking it, will invite their contempt or ridicule.

D. The methods of presentation should seek:

1. An approach to advertising which does not exaggerate or distort the value of a premium/offer.

2. To establish clearly what constitutes the original purchase of the premium/offer, employing, when necessary, positive disclosure on what items are purchased separately.

3. Positive disclosure when items such as batteries needed to operate a premium/offer as demonstrated in the advertising are not included.

4. Positive disclosure as to a premium's/offer's method of operation and source of power.

5. Positive disclosure when a premium/offer requires assembling.

E. The methods of presentation should avoid:

1. Employing irritating audio or video techniques to demand the child's attention.

2. Any implication that optional extras, additional units or items that are not available with the premium/offer accompany the premium's/offer's original purchase.

3. Costumes and props which are not available with the premium/offer as sold or reasonably accessible without additional cost to the child.

4. Demonstrations which create the impression that a premium/offer comes fully assembled when such is not the case.

9. The use of certain production techniques in the premium/offer segment shall be restricted and conform with the spirit of interpretations and policies affecting toy advertising.

For example, existing Code interpretations which apply to premium/offer advertising are given below.

A. The use of certain video techniques raises concern under Premium/Offer Guidelines S–A–1 (accurate representation of the premium's/offer's performance); S–A–2 (movements which a child is reasonably capable of reproducing); S–B–1 (demonstrations that are not authentic); S–B–4 (over-glamorization via dazzling visual effects), and S–D–1, distorting the value of the premium/offer.)

These techniques include, but are not limited to, the use of camera angles, special lenses, heroic shots, special lighting, and similar production techniques. Their use becomes questionable when they distort the appearance or performance of the premium/offer such as size, distance, speed, and the like. For example, there should be no confusion and/or misrepresentation regarding the height of a building made with a construction set, the length of a truck, the speed of a racing car, the amount of glitter attributed to a dress or jewelry, et cetera.

Visual representation should be such that they can be recreated by children. Special attention, therefore, should be given to the use of unusual video techniques in order to avoid misrepresenting the appearance and performance of the premium/offer.

B. The cumulative effect of audio and video techniques in the premium/offer segment of commercials may sometimes be strident and aggravating enough to result in their rejection under Premium/Offer Guidelines S–E–1. It reads: "(Avoid) employing irritating audio or video techniques to demand the child's attention."

Affected audio devices include but are not limited to, music, sound effects, volume level and tempo.

Advertisers and their agencies are urged to employ restraint and discretion in their use of such techniques.

ATTACHMENT E

[Praeger Publishers News Release, June 4, 1973]

PIONEER STUDY OF TELEVISION ADVERTISING DIRECTED TO CHILDREN SHOWS SOME CRITICISMS JUSTIFIED, MANY NOT SUPPORTED BY FACT

A pioneering and comprehensive study of the content of television advertising directed to children indicates that while some criticisms are justified, many attacks on such advertising are not supported by fact.

The study involved an analysis of the content of 236 commercials directed to children. These constitute a 100 percent sample of all such messages available in the fall of 1971. Praeger Special Studies, a division of Praeger Publishers,

Inc., has published the full study with an introduction by noted communications researcher Paul F. Lazarsfeld entitled, "Children's Television Commercials: A Content Analysis" as part of its Special Studies Series.

The study team consisted of sociologist Dr. Charles Winick of the City College of the City University of New York, Lorne G. Williamson and Stuart F. Chuzmir of the National Association of Broadcasters' Code Authority, and educational psychologist, Dr. Mariann P. Winick of Lehman College of the City University of New York.

The 236 commercials studied represented 127 products, each of which was categorized into one of 11 basic product categories: Cakes, candy, cereals, cookies, crunchy snacks, drinks, food for meals, ice cream and related products, restaurants, vitamins and miscellaneous. (Toy commercials were excluded because separate guidelines limiting the content of all toy advertising have been enforced for that product category since 1961. It should also be noted that although vitamins were included in this study, they are no longer advertised on children's programs.)

"The purpose of the study," according to Dr. Winick, "was to develop data on the content of television commercials directed to children. The report was not designed to measure the impact of advertising on children—obviously this is a desirable area for future research. While it is interesting to find that some criticisms do not have a very sound basis, it is gratifying to see that the industry appears to be responsive and is moving to develop new principles for advertising to children."

"We must emphasize," Dr. Winick warns, "that all the coders working on this material are adults. It is certainly plausible to expect that children's perceptions of these materials would differ from those of the adult coders."

Among the most frequent criticisms of television advertising directed to children are the following: "charismatic super-personalities are employed as presenters, or otherwise figure in commercials so that their messages are likely to be unusually persuasive"; "commercials create conflicts between parents and children by urging children to ask their parents to buy things"; "commercials rely heavily on approaches to a child's self-concept and peer relationships"; "there are many exaggerated claims"; "9 out of 10 advertisements of edibles to children stress sugar, sweetness or 'sparkle'"; "information contained in commercials is insufficient and inadequate—specifically, the amount of information on nutrition and health is inadequate"; and "sales messages on television use a great deal of fantasy."

Some Representative Findings

PERSUASION AND PRESENTERS

Although all advertising implicitly involves an indirect appeal to buy, 1.3 percent explicitly ask a child to ask a parent to buy.

Sports figures appear in 3.8 percent of the commercials; however, they are spokesmen for the product in only 1.7 percent.

Show business figures appear in 14 percent. They are spokesmen in 9.7 percent.

Only 6.4 percent of commercials appealed to peer status, popularity or courage.

Cartoon or fantasy characters are spokesmen in 43.6 percent.

Children are given the product by a real adult in 9.7 percent

PRODUCT INFORMATION

While 93.6 percent of the commercials (as noted: not including toys) are on behalf of edibles, 81.4 percent have no reference to sweetness.

Two-thirds of the commercials (66.1 percent) identify one or more product ingredients or give product makeup information.

18.2 percent refer to vitamins, minerals or nutrient ingredients.

No price references are found in 96.2 percent.

HEALTH AND NUTRITION

14.8 percent linked good eating habits with health.

22.9 percent relate a product to health or balanced eating.

Balanced meals are portrayed visually in 10.2 percent.

Health claims directed to children occur in 8.5 percent.

Something inconsistent with generally recognized safety standards occurs in 4.7 percent.

PRODUCTION TECHNIQUES AND LANGUAGE

Exaggeration of a product attribute through sound occurs in 1.7 percent and, via special visual effects, in 6.9 percent.
Superlatives are found in 17.8 percent.
Coaxing or prodding language is found in 3.8 percent.
Slogans are employed in 62.3 percent.
Striking visual techniques are employed in 14 percent.
References to parents occur in 13.5 percent.
Animation occurs in 45.8 percent of the messages.
Jingles occur in 41.1 percent.

SETTING AND STORY ELEMENTS

Elements of reality are communicated in 91.9 percent of the settings and of fantasy in 60.6 percent of the settings or stories. (The same commercial may contain elements of both reality and fantasy.)
Family microcosms are seen in 12.3 percent.
Children functioning as adults are seen in 3.4 percent.
Humor figures are present in 58.5 percent.

CAST OF CHARACTERS

Minority group members (Indian, Black, Latin American, Oriental) figure in 24.2 percent.
Male children are shown in 58.1 percent and female children in 35.6 percent.
A character symbolizing the product or a feature of a product is in 46.2 percent.
The implications of the report are now being studied by the NAB Television Code Board. It is anticipated that a statement of principles regarding children's advertising based on the study will be issued by the Board at its meeting June 6–7.
Members of the NAB Subcommittee on Children's Advertising responsible for this activity are Charles A. Batson, president of Cosmos Broadcasting Corp., Columbia, S.C.; Morton S. Cohn, vice president and general manager of station WLOS–TV, Asheville, N.C.; Alfred R. Schneider, ABC vice president; Thomas J. Swafford, CBS vice president for program practices, and Herminio Traviesas, NBC vice president for broadcast standards.
The study involved a total of 34,220 independent codings of commercials and 12 hours of computer time. In the absence of any previous systematic content studies of advertising, techniques to make such an analysis had to be developed by the research team. The methods used incorporated modern techniques of social research and computer technology, combining expertise of scholars and the practical knowledge of the subject developed by the Television Code Authority of the National Association of Broadcasters.
The study was instituted in the fall of 1971, with the goal of identifying certain characteristics of commercials directed to children. To assure objectivity, two separate reliability studies were conducted. In one study, two sociologists independently coded a sample of the commercials, which had been coded by the research team. The second reliability check involved the original analysts recoding a sample of the commercials after a lapse of 5 months.

ATTACHMENT F—NAB CODE AUTHORITY: CHILDREN'S TELEVISION ADVERTISING STATEMENT OF PRINCIPLES

Because of special considerations for children, the following principles shall apply to all advertising designed primarily for children:

1. Broadcasters believe that advertising of products or services normally used by children can serve to inform children not only of the attributes of the product/service but also of many aspects of the society and world in which they live.

2. Everyone involved in the creation, production and presentation of advertisements to children has a responsibility to assure that such material serves a positive function and avoids being exploitative of or inappropriate to a child's still developing cognitive abilities and sense of values.

3. Creative concepts, audio or video techniques and language addressed to children, shall be nonexploitative in manner, style and tone.

4. Documentation adequate to support the truthfulness and accuracy of all claims and representations contained in the audio or video of the advertisement must be made available to the broadcaster and/or Code Authority.

5. The disclosure of information on the characteristics and functional aspects of a product/service is strongly encouraged. This includes, where applicable, relevant ingredient and nutritional information. In order to reduce the possibility of misimpressions being created, all such information shall be presented in a straightforward manner devoid of language or production techniques which may exaggerate or distort the characteristics or functions of the product.

6. Given the importance of sound health and nutritional practices, advertisements for edibles shall be in accord with the commonly accepted principles of good eating and seek to establish the proper role of the advertised product within the framework of a balanced regimen. Any representation of the relationship between an edible and energy must be documented and accurately depicted.

7. Any representation of a child's concept of himself/herself or of his/her relationship to others must be constructively handled. When self-concept claims are employed, the role of the product/service in affecting such promised benefits as strength, growth, physical prowess and growing up must accurately reflect documented evidence.

8. Appeals shall not be used which directly or by implication contend that if children have a product, they are better than their peers or lacking it will not be accepted by their peers.

9. Advertisements shall portray attitudes and practices consistent with generally recognized social values and customs.

10. Material shall not be used which can reasonably be expected to frighten children or provoke anxiety, nor shall material be used which contains a portrayal of or appeal to violent, dangerous or otherwise antisocial behavior.

11. Advertisements shall be consistent with generally recognized standards of safety.

In addition to the preceding principles, all advertising designed primarily for children is subject to review under the standards contained in the Television Code. The Principles also supplement established Television Code guidelines, interpretations and policies which relate to various aspects of children's advertising.

THE CODE AUTHORITY
NATIONAL ASSOCIATION OF BROADCASTERS
485 MADISON AVENUE, NEW YORK, NEW YORK 10022
(212) 752-8050

STOCKTON HELFFRICH
Director

June 28, 1973

The Honorable George McGovern
The United States Senate
Select Committee on Nutrition
and Human Needs
Room 301A - Senate Annex
Washington, D.C. 20510

My Dear Senator McGovern:

Supplementing telephone discussion with Mr. Schlossberg Wednesday June 27, 1973, following my absence from New York for the week of June 18, 1973, the transcript of my June 11 testimony before your good self and your staffers reached my office June 20, 1973. I have now had an opportunity to read it, to enter appropriate inserts, and to edit it wherever it seemed to me there may have been either a mis-hearing of what I said or where the sense of our exchanges appears to have been confused in translation from stenotype notes to transcript. Do please advise if in any respects my editings appear to be at odds with the staff record at your end.

Immediately following the June 11, 1973 hearing, Publications Editor Mr. David J. Kyte requested that I supplement the official hearing record with additional information in respect (1) to exchanges between the Code Authority and members of our Medical and Science Advisory Panel (see Helffrich page 12 and page 60 of the transcript; see Swafford page 64 thereof) and (2) to how the Dr. Winick study was statistically formulated and how he utilized the information he tabulated (see Helffrich page 60 of the transcript.)

(1) Thirty-six Code Authority exchanges divided among some nine members of our Medical and Science Advisory Panel who are specialists in nutrition, took place during the period

NAB Radio Code
TELEVISION CODE

covering 1971 to June 11, 1973 (the date of the hearing you conducted). These exchanges covered the kind of example volunteered in my testimony (see Helffrich pages 48 and 49 of the transcript re references to cholesterol in food advertising).

Mr. Swafford of CBS advises me of a June 22, 1973 letter from him to you relating to the anonymity of the Code Authority's Medical and Science Advisory Panel, now totaling 37 members.

Identification of the panelists by name was sought from me by Commissioner Nicholas Johnson during my testimony October 4, 1972 before Chairman Dean Burch and members of the Federal Communications Commission. I attach a copy of my October 11, 1972 letter to Mr. Burch setting forth the Code Authority's public interest rationale for the maintenance of the anonymity of the panelists. I would value it if said letter could be added to the official June 11, 1973 hearing record. At the same time, as volunteered to Mr. Burch, should you or the Committee members have any questions in respect to the Code Authority's position and explanations as outlined in the copy of my October 11, 1972 to Mr. Burch, please advise.

(2) On how Dr. Winick's study was statistically formulated and how he utilized the information assembled in the children's television commercials content analysis, I expect to forward within the next ten days Dr. Winick's summation thereof. I requested same of him in a telephone exchange yesterday; he assures me of its prompt preparation and receipt by me. I in turn will relay it expeditiously to you for entry into the official hearing record.

Your interest is much appreciated. It was a pleasure to meet you personally.

Cordially,

Stockton Helffrich

Stockton Helffrich
lg

THE CODE AUTHORITY
NATIONAL ASSOCIATION OF BROADCASTERS
485 MADISON AVENUE, NEW YORK, NEW YORK 10022
(212) 752-8050

STOCKTON HELFFRICH
Director

July 6, 1973

Mr. Kenneth Schlossberg
Staff Director
Select Committee on Nutrition
and Human Needs
Room 301A - Senate Annex
Washington, D.C. 20510

Dear Ken:

Getting back to you on your telephone inquiry of July 5, 1973, this will supplement, for my June 28, 1973 letter to Senator McGovern, the first indented paragraph thereof.

The thirty-six Code Authority contacts divided among nine members of our advisory group specializing in nutrition related to matters affecting the wording and documentation of claims in advertising directed to adults. Examination of our records covering periods preceding 1971 to June 11, 1973 indicate parallel reasons for contacts made.

Now that the content analysis of children's advertising has been completed and the statement of principles affecting that advertising has been announced with an effective date of January 1, 1974, we anticipate that contacts with the above referenced specialists will include Code Authority inquiries in respect to the wording and documentation of claims in advertising designed in the main for children. When we have received from Senator McGovern's office the requested copies of the printed hearing volume containing the testimony of those of us who participated in the June 11, 1973 hearing, Code Authority distribution thereof will include (1) the nine pertinent members of the Medical and Science Advisory Panel, (2) the forty-two advertisers who contributed

NAB Radio Code
TELEVISION CODE

their commercials to make the content analysis possible, (3) the nine members of the Television Code Review Board (4) the managers of Code Authority offices in Hollywood, New York and Washington and (5) the presidents of the American Association of Advertising Agencies, the American Advertising Federation and the Association of National Advertisers. Additionally we anticipate future articles in the Code Authority's monthly Code News as implementation of the statement of principles goes forward. Material for the content of such articles is expected to develop initially following a late summer 1973 seminar involving network and Code Authority executives and commercial editors to clarify the public interest intent of the statement of principles.

Sincerely,

Stockton Helffrich

lg

FROM THOMAS J. SWAFFORD

CBS
TELEVISION
NETWORK

A Division of Columbia Broadcasting System, Inc.
51 West 52 Street
New York, New York 10019
(212) 765-4321

Thomas J. Swafford, Vice President
Program Practices

Dear Senator McGovern:

After my appearance before the Senate Select Committee on Nutrition and Human Needs on June 11, I was asked to supply the names and professions of the 40 experts and specialists on whose advice the NAB Code Authority relies in verifying certain advertising claims. This question was apparently addressed to me rather than to Mr. Helffrich since I had referred to the specialists already available to the NAB Code Authority when asked to comment on Dr. Mayer's suggestion for the establishment of such a group.

I have discussed the matter with Mr. Helffrich, who advises that names of these individuals cannot be supplied. In order to shield these experts from pressure, harassment or contact from advertisers, advertising agencies, other groups and individuals, the Code Authority has promised anonymity to those who have agreed to serve. The Code Authority firmly believes that this is in the public interest.

Although the foregoing is not completely responsive to your question, I hope you will appreciate the reasons for respectfully declining to make public the names of those involved. Should you have any further questions, I, or Mr. Helffrich, would be pleased to discuss them with you or your staff.

Very truly yours,

Senator George McGovern
Select Committee on Nutrition and Human Needs
United States Senate
Washington, D.C. 20510

June 22, 1973

FROM MR. HERMINIO TRAVIESAS

SAMPLE OF NBC TELEVISION NETWORK NUTRITION PROGRAMING FOR MOTHERS IN 1973

May 9—THE TODAY SHOW: Dr. Laurence Finberg, Chairman, Pediatrics Dept., Montefiore Campus of Albert Einstein Hospital, explains nutrition needs for children and teenagers.

April 9—DINAH'S PLACE: Karen Owens, nutritionist, tells how to cut grocery bills and still serve nutritious meals. Dr. Lendon Smith, Pediatrician, answers questions from the studio audience on nutrition for children.

April 5—THE TODAY SHOW: Dr. Frank Field comments on diets, various diet books, and that more research is necessary in this area.

March 5—DINAH'S PLACE: Nutrition experts Dr. Leo Lutwak and Karen Owens promoted National Nutrition Week by answering questions from the audience.

February 27—THE TODAY SHOW: Barbara Walters interviewed Melinda Morris, author of FIRST BABY COOKBOOK, regarding her views of the poor quality of canned baby foods, the poor nutrition, and unwanted salt content—concluding that home prepared foods are simple to prepare and much more nutritious.

February 23—THE TODAY SHOW: Gene Shalit reviewed current books that are available on nutrition and diet.

January 22—DINAH'S PLACE: Dr. Adele Davis, nutritionist, discussed the bad effects of candy and too much sugar in the diet.

January 8 & 18—DINAH'S PLACE: Dr. Neil Solomon discussed the need to eat balanced diets for good health.

ITEM 2—PERTINENT TO THE HEARING

FROM CHARLES WINICK

STATEMENT ON BEHALF OF THE AUTHORS OF "CHILDREN'S TELEVISION COMMERCIALS: A CONTENT ANALYSIS"

July 2, 1973.

This is a brief statement of the statistical formulation and information tabulation procedures in our content study of children's television commercials.

A major statistical problem in any content study is deciding on a sample and then determining its representativeness. In this case, the sample selected was 100 percent of the 236 nontoy commercials available from all sources in the Fall of 1971. It was decided to do a straight count of all commercials and to use a 1 (none) to 4 (very much) scale for the degree of presence of each of the 145 variables. These 145 variables had been selected on the basis of pilot investigations, considerations of social policy, and criticisms of the medium.

Seven indices were developed and factor analysis was performed, as procedures which might permit amalgamation and compression of the data into a series of findings that would be more manageable than the 145 dimensions represented in the original data.

A major tabulation procedure employed was to place each of the 236 commercials into one of eleven categories of product types. All of our findings were cross-tabulated by product type family, as well as by total, so that the statements made about the findings could be stated in terms of each family of products and also for all 236 commercials.

Appropriate measures of statistical significance were computed in all cases. In the case of the indices, a rank order by product category was performed on each index and analysis of variance for proportional subclass numbers was conducted, in order to determine the significance of the differences.

All figures are cited in terms of percentages, for purposes of consistency. The information that was tabulated was summarized in the text and interpretive comments and references to other studies were introduced as appropriate. The detailed methodology of the study is summarized on pages 10 to 13 of the report and the rationale for each step is set forth in the appropriate sections. Appendix C and D give details of the reliability coding and significance of the differences among the indices, respectively.

The text and appendices of the book contain references to relevant materials that were used in the study and to statistical and computational background resources.

NATIONAL BROADCASTING COMPANY, INC.
THIRTY ROCKEFELLER PLAZA, NEW YORK, N.Y. 10020 CIRCLE 7-8300

LAW DEPARTMENT

June 18, 1973

Mr. David J. Kyte
Publications Editor
Select Committee on Nutrition
Room 301A - Senate Annex
Washington, D. C. 20510

Dear Mr. Kyte:

At the hearing on June 11, 1973 Mr. Traviesas was asked to submit a "blank" copy of a product demonstration affidavit referred to on page 3 of his statement.

Since NBC Broadcast Standards does not use a form for affidavits, there are no "blank" copies available. All of the affidavits are specifically tailored to the particular product and demonstration that is involved. Our review of a representative number of these affidavits does not disclose any that can be readily altered so as not to disclose the product being tested without also destroying the informative nature of the affidavit.

If the Committee feels this item is sufficiently important, we would be willing to contact one of the agencies for permission to submit a specific affidavit which will illustrate Mr. Traviesas' comment on page 3 of his statement. We do not feel free, however, to submit supporting documentation of this type for a particular product without permission of the agency or the advertiser.

Very truly yours,

John B. Benton
Senior Counsel

JBB:cv

[The Washington Post, Tuesday, June 19, 1973]

NAB ON ADS

By Hollie I. West

The television industry's self-regulating body has issued a set of guidelines for children's commercial advertising which attempts to establish principles for truthfulness, sound diet habits and personality development.

The National Association of Broadcasters' Television Code Review Board, in issuing the 10 guidelines Thursday, said they would go into effect Jan. 1, 1974. The three major networks and about 60 per cent of the nation's television stations subscribe to the NAB television code, which was established in 1952 to govern programming and advertising content.

However, the board's enforcement power is restricted to expelling stations from membership. Violators could continue programming.

Children's television has recently been the subject of close attention from the U.S. Senate Select Committee on Nutrition and Human Needs, citizens' groups and the networks. The Federal Communications Commission is conducting an ongoing probe of the subject, and the Boston-based Action for Children's Television (ACT) has been critical of both advertising and programming for young people.

When read the principles over the telephone yesterday, Peggy Charren, president of ACT, said that except for a provision regarding food advertisements, "I don't think these mean any more than other NAB guidelines. We find they write very good guidelines but never follow them."

The guidelines, based on an analysis of 236 commercials directed at children stipulate that:

- Advertisers shall not use material that would "frighten children or provoke anxiety, nor shall material be used which contains a portrayal of or appeal to violent, dangerous or otherwise antisocial behavior."
- Advertisements "shall be presented in a straight-forward manner devoid of language or production techniques which may exaggerate or distort the characteristics or functions of the product."
- "Advertisements for edibles shall be in accord with the commonly accepted principles of good eating and seek to establish the proper role of the advertised product within the framework of a balanced regimen."
- "Appeals shall not be used which directly or by implication contend that if children have a product they are better than their peers, or lacking it will not be accepted by their peers."
- "Advertisements shall portray attitudes and practices consistent with generally recognized social values and customs."
- "When self-concept claims are employed. the role of the product service in affecting such promised benefits as strength, growth, physical prowess and growing-up must accurately reflect documented evidence."
- Advertisers should insure that a commercial "serves a positive function and avoids being exploitative or inappropriate to a child's still developing cognitive abilities and sense of values."

Stockton Helffrich, code director for NAB, said the principles grew out of a children's television advertising study conducted by a team of social scientists and NAB officials headed by New York sociologist Charles Winick.

The analysis of the 236 commercials gives evidence that much criticism of such commercials does not have sound basis.

Of the commercials analyzed (none included toys), 93.6 per cent involved edibles and most (81.4 per cent) made no reference to the sweetness of the product.

The study showed that, in the health and nutrition area, "something inconsistent with generally recognized safety standards" occurred in 4.7 per cent of the commercials analyzed, health claims were directed to children in 8.5 per cent of the spots, balanced meals were portrayed visually in 10.2 per cent and good eating habits were linked with health in 14.8 per cent.

Toy commercials, which have had separate guidelines since 1961, were excluded from the study.

NATIONAL ASSOCIATION OF BROADCASTERS,
October 11, 1972.

Chairman DEAN BURCH,
Federal Communications Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: During the October 4, 1972 panel discussion in which the undersigned participated, as arranged by the Commission, inquiry directed to me included interest in the consultants with whom the Code Authority has worked or is working in such areas as (1) television reflections of violence and (2) a current content analysis of categories of children's television advertising over and beyond that covered by the long-standing Toy Advertising Guidelines and the more recently established Premium Advertising Guidelines. Commissioner Johnson asked if I would supply the Commission with the names of specialists involved; I replied affirmatively.

The consultants in the matter of violence are Melvin S. Heller, M.D., and Samuel Polsky, Ph.D. Philadelphia. Their services are available to the Code Authority on a per diem basis. Additionally, for a two-year period concluded in the Fall of 1970, they serve as consultants on a contractual basis jointly funded by the three television networks and the Code Authority. A copy of their paper "Television Violence—Guidelines for Evaluation" is attached, reprinted from Volume 24, March 1971 of the *Archives of General Psychiatry.*

The content analysis of children's television advertising, now almost completed, and to be reported upon October 16 and 17, 1972 to the Television Code Review Board, has been under the supervision of Dr. Charles Winick, Professor of Sociology, City University of New York. The services of Dr. Winick have been negotiated on a per diem basis.

In addition to the foregoing, some 38 specialists in various fields of expertise serve individually on the Code Authority's Medical and Science Advisory Panel. Their services are voluntary. The arrangement between each of these and the Code Authority involves consultation when and as needed, with a per diem/expenses coverage where that is in order.

The purpose of the Medical and Science Advisory Panel and the conditions governing the professionals who serve on the Panel (for example no conflict of interest; anonymity; voluntary) were initially elaborated upon in the November 1966 issue of Television Code News which is attached. The Code Authority believes that the existence of the Panel and the manner in which it operates serve the public interest both by providing the Code Authority with impartial, expert opinion which it could not otherwise financially afford and by protecting the members of the Panel from pressure and harrassment from advertisers, agencies and other groups and individuals.

The Code Authority believes the anonymity aspect to be pertinent to the effective continuance of the Panel. The members themselves are outstanding professionals in the fields they represent. They voluntarily have offered their services to the Code Authority with the written understanding that, because of their busy schedules, their anonymity be preserved so that they would not be subjected to needless exploitation of their limited time.

Should you and the Commission have any questions in respect to the above, please advise.

Sincerely,

STOCKTON HELFFRICH,
Director.

○